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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 403**

**Introduced by Assembly Member Mark Stone**  
(~~Coauthor: Senator Beall~~)  
(*Coauthors: Senators Beall and Berryhill*)

February 19, 2015

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An act to amend Sections 7911, 7911.1, and 7912 of the Family Code, to amend Section 6276.38 of the Government Code, to amend Sections 1502, *1506*, 1507.25, 1520.1, 1522.2, 1522.4, 1522.41, 1522.43, 1524.6, 1525.5, 1530.7, 1530.8, 1531.1, 1531.15, 1534, 1536, 1538.3, 1538.5, 1538.6, 1538.7, 1548, 1562, 1562.35, 1563, and 1567.4 of, to amend, repeal, and add Sections 1502.4 and 1529.2 of, to add Sections 1506.1, 1517, and 1562.01 to, and to add and repeal Section 1502.45 of, the Health and Safety Code, to amend Sections 11105.2 and 11105.3 of the Penal Code, and to amend Sections 706.6, 727, 727.1, 4094.2, 11400, 11403.2, 11460, 11461.2, 11465, 11466.21, 11466.22, 11466.25, 11466.3, 11466.31, 11466.32, 11466.33, 11466.34, 11466.35, 11466.36, 11466.5, 11466.6, 11468, 16000, 16501, 16501.1, 16519.5, and 18251 of, to amend and repeal Section 16003 of, to amend, repeal, and add Sections 361.2, 4096, 4096.5, 11402, 11462, 11462.01, 11462.02, 11462.04, 11463, and 18254 of, to add Sections 827.11, 831, *11253.2*, 11462.022, *11462.041*, 11466, *16003.5*, 16519.52, 16519.53, 16519.54,

16519.55, and 16519.6 to, and to add and repeal Sections 4096.1, 4096.55, 11402.01, 11462.001, 11462.015, 11462.021, 11463.01, and 11463.1 of, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 403, as amended, Mark Stone. Public social services: foster care placement: funding.

Existing law, the California Community Care Facilities Act, requires the State Department of Social Services to license and regulate various out-of-home facilities and entities responsible for children and nonminor dependents in foster care, including foster family homes, group homes, and out-of-state group homes, and imposes training requirements on foster parents. A violation of the act is a misdemeanor.

Existing law provides for the placement of certain children in foster care under the supervision of the department and county welfare departments. Existing law also establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care.

This bill would provide for the reclassification of treatment facilities and the transition from the use of group homes for children in foster care to the use of short-term residential treatment centers, as defined. The bill would impose licensing requirements on those facilities, the violation of which would be a crime pursuant to the act, thereby imposing a state-mandated local program.

The bill would revise the foster parent training requirements imposed by the act. The bill would also provide for the development of child and family teams, as defined, to inform the process of placement and services to foster children and to children at risk of foster care placement. The bill would make conforming and related changes, including requiring the department to develop a new payment structure for funding placement options for children in foster care.

The bill would require, on and after January 1, 2017, all licensed foster family agencies to approve resource families, in lieu of certifying foster homes, in accordance with specified standards and requirements set forth in the bill.

The bill would require the State Department of Social Services to provide periodic progress updates to the Legislature on the

implementation of the provisions of the bill. The bill would also include a statement of legislative intent.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) It is the intent of the Legislature in adopting  
2 this act to improve California's child welfare system and its  
3 outcomes by using comprehensive initial child assessments,  
4 increasing the use of home-based family care and the provision of  
5 services and supports to home-based family care, reducing the use  
6 of congregate care placement settings, and creating faster paths to  
7 permanency resulting in shorter durations of involvement in the  
8 child welfare and juvenile justice systems. These changes, along  
9 with other provisions in this act, require initial investments in the  
10 child welfare system. It is expected that this act, and the initial  
11 short-term funding provided by the state to local agencies to  
12 implement this act, will reduce overall costs to local agencies and  
13 allow local savings to be reinvested in child welfare services. When  
14 overall costs to a local agency are reduced, annual funding by the  
15 state to the local agency will only be provided as described in  
16 Section 36 of Article XIII of the California Constitution.

17 (b) *Federal law requires that placements of children in foster*  
18 *care be in the least restrictive, most family-like environment.*  
19 *Federal law requires the review of the child's case plan to assess*  
20 *the necessity for and appropriateness of the placement, to assess*  
21 *the progress that has been made toward the case plan goals, and*  
22 *project a likely date by which the child can be safely reunified, or*

1 placed for adoption or legal guardianship. Federal law requires  
2 the court to periodically, but no less frequently than every six  
3 months, review the case plan, the child's status, and the extent of  
4 compliance with the case plan.

5 (c) It is therefore the intent of the Legislature to maintain  
6 children's safety, well-being, and healthy development when they  
7 are removed from their own families by placing them, whenever  
8 possible and appropriate, with relatives or someone familiar, or,  
9 when this is not possible or appropriate, with other caregiving  
10 families that are able to meet their physical, social, and emotional  
11 needs until they can return home. When reunifying children with  
12 their family is not possible, the obligation remains to seek other  
13 forms of permanency, such as adoption or guardianship. To  
14 achieve this intent, the Legislature recognizes the following:

15 (1) That the experience and outcomes of foster youth will be  
16 improved by assessing the individual needs of each child and youth  
17 at the outset of his or her entry into foster care in order to identify  
18 and secure the most appropriate services and placement setting  
19 to meet those individualized needs.

20 (A) Medically necessary physical, behavioral, and mental health  
21 services, including, but not limited to, Early and Periodic  
22 Screening, Diagnostic, and Treatment (EPSDT), specialty mental  
23 health services, and services to ameliorate trauma, need to be  
24 made available to children and youth in foster care regardless of  
25 their placement setting.

26 (B) Efforts to achieve legal permanency and emotional  
27 permanency are necessary for every child and youth. These include  
28 establishing and maintaining connections to siblings, extended  
29 family, culture, and, if applicable, tribes.

30 (C) If necessary to meet their treatment and safety needs, some  
31 youth who enter foster care may benefit from an initial, upfront,  
32 short-term residential care placement to provide crisis stabilization  
33 and the structure they require, with the goal of returning them  
34 back home or to a less restrictive, family-based setting as soon as  
35 possible. Children should not have to first exhaust a number and  
36 variety of less restrictive placements regardless of their individual  
37 need, which would be detrimental to their well-being.

38 (2) That children and youth in foster care have been affected  
39 by trauma, both by the fact that they have been separated from  
40 their family, and by the circumstances that led to their removal.

1 *Recognizing this trauma and minimizing additional trauma should*  
2 *be structured into how practice is implemented for children and*  
3 *youth in foster care.*

4 *(3) That youth in foster care under the supervision of county*  
5 *probation departments may require additional considerations*  
6 *when being placed outside of the parental home. When ordering*  
7 *placement, the court and probation officers must consider the*  
8 *safety and needs of the youth and the public safety of the*  
9 *community. Significant reforms have been adopted in the juvenile*  
10 *justice system by the state and by the counties in recognition of*  
11 *the fact that detaining youth far from home is not ideal, but may*  
12 *be necessary for a small percentage of probation youth who have*  
13 *committed the most serious offenses. At the same time, in order to*  
14 *serve those probation youth whose needs can be appropriately*  
15 *met safely in least restrictive, family-based settings, sufficient*  
16 *capacity in home-based family care must be developed.*

17 *(4) That research demonstrates that being cared for in a family*  
18 *improves outcomes for children who have experienced abuse and*  
19 *neglect. Therefore, children who cannot safely be placed in*  
20 *home-based family care can go into residentially based care with*  
21 *individualized, specific care plans and intensive therapeutic*  
22 *interventions, as demonstrated by the residentially based services*  
23 *pilot program. These placements should be short-term in nature*  
24 *and designed to enable children and youth to return to their birth,*  
25 *kin, foster, or adoptive families as quickly and safely as possible,*  
26 *supported by services designed to help the child, youth, and family*  
27 *in this transition. With these services, relatives and foster families*  
28 *can care for children and youth with behavioral and mental health*  
29 *challenges that often are associated with neglect and abuse.*  
30 *Placing agency decisions regarding a specific family need to be*  
31 *based on a determination that the family has the ability and*  
32 *capacity to meet the needs of the specific child or youth.*

33 *(5) That working with the child, youth, and family as part of a*  
34 *team results in better outcomes. The child and family team,*  
35 *including extended family and community or tribe, is the primary*  
36 *vehicle for collaboration on the assessment, case planning, and*  
37 *placement decisions that are made by placing agencies. Use of*  
38 *these teams is based upon the wraparound model of care and is*  
39 *intended to support social work, practice, and decisionmaking.*

1     (6) *That culturally relevant services and supports need to be*  
2     *made available to children, youth, and their caregivers, regardless*  
3     *of the placement setting, and individually tailored to their needs.*

4     (7) *That the practice of public agencies, private agencies, and*  
5     *service providers should be aligned through a common core*  
6     *practice model, with county child welfare and probation agencies*  
7     *retaining their case management responsibilities.*

8     (8) *That there is a shift in the terminology used with respect to*  
9     *foster care to describe “resource families” as “home-based family*  
10    *care.” These families must parent and nurture vulnerable,*  
11    *traumatized children in emergencies, through transitions and*  
12    *crises, and sometimes make them a permanent part of their own*  
13    *families. These families are inclusive of related or unrelated*  
14    *caregivers who are approved to foster, adopt, or take guardianship*  
15    *of children in foster care, regardless of whether they are approved*  
16    *by a public or private agency.*

17    (9) *That the needs of children placed in residential group*  
18    *placements can most effectively be met when there is system*  
19    *accountability. Placement decisions should be informed by the*  
20    *provider’s performance on common indicators that are publicly*  
21    *available. Providers should continuously work to improve the*  
22    *quality of the care they provide by using available data to manage*  
23    *performance.*

24    SEC. 2. Section 7911 of the Family Code is amended to read:

25    7911. The Legislature finds and declares all of the following:

26    (a) The health and safety of California children placed by a  
27    county social services agency or probation department out of state  
28    pursuant to the provisions of the Interstate Compact on the  
29    Placement of Children are a matter of statewide concern.

30    (b) The Legislature therefore affirms its intention that the State  
31    Department of Social Services has full authority to require an  
32    assessment and placement recommendation by a county  
33    multidisciplinary team prior to placement of a child in an  
34    out-of-state group home, to investigate allegations of child abuse  
35    or neglect of minors so placed, and to ensure that out-of-state group  
36    homes, accepting California children, meet all California group  
37    home licensing standards.

38    (c) The Legislature also affirms its intention that, on and after  
39    January 1, 2017, the licensing standards applicable to out-of-state

1 group homes certified by the department shall be those required  
2 of short-term residential treatment centers operated in this state.

3 (d) This section is declaratory of existing law with respect to  
4 the Governor's designation of the State Department of Social  
5 Services to act as the compact administrator and of that department  
6 to act as the single state agency charged with supervision of public  
7 social services under Section 10600 of the Welfare and Institutions  
8 Code.

9 SEC. 3. Section 7911.1 of the Family Code is amended to read:

10 7911.1. (a) Notwithstanding any other law, the State  
11 Department of Social Services or its designee shall investigate any  
12 threat to the health and safety of children placed by a California  
13 county social services agency or probation department in an  
14 out-of-state group home pursuant to the provisions of the Interstate  
15 Compact on the Placement of Children. This authority shall include  
16 the authority to interview children or staff in private or review  
17 their file at the out-of-state facility or wherever the child or files  
18 may be at the time of the investigation. Notwithstanding any other  
19 law, the State Department of Social Services or its designee shall  
20 require certified out-of-state group homes to comply with the  
21 reporting requirements applicable to group homes licensed in  
22 California pursuant to Title 22 of the California Code of  
23 Regulations for each child in care regardless of whether he or she  
24 is a California placement, by submitting a copy of the required  
25 reports to the Compact Administrator within regulatory timeframes.  
26 The Compact Administrator within one business day of receiving  
27 a serious events report shall verbally notify the appropriate  
28 placement agencies and within five working days of receiving a  
29 written report from the out-of-state group home, forward a copy  
30 of the written report to the appropriate placement agencies.

31 (b) Any contract, memorandum of understanding, or agreement  
32 entered into pursuant to paragraph (b) of Article 5 of the Interstate  
33 Compact on the Placement of Children regarding the placement  
34 of a child out of state by a California county social services agency  
35 or probation department shall include the language set forth in  
36 subdivision (a).

37 (c) (1) The State Department of Social Services or its designee  
38 shall perform initial and continuing inspection of out-of-state group  
39 homes in order to either certify that the out-of-state group home  
40 meets all licensure standards required of group homes operated in

1 California or that the department has granted a waiver to a specific  
2 licensing standard upon a finding that there exists no adverse  
3 impact to health and safety.

4 (2) On and after January 1, 2017, the licensing standards  
5 applicable to out-of-state group homes certified by the department,  
6 as described in paragraph (1) shall be those required of short-term  
7 residential treatment centers operated in this state.

8 (3) (A) Except as provided in subparagraph (B), on and after  
9 January 1, 2017, an out-of-state group home program shall have  
10 both of the following credentials in order to receive an AFDC-FC  
11 rate:

12 (i) An accreditation from a nationally recognized accrediting  
13 entity identified by the State Department of Social Services  
14 pursuant to the process described in paragraph ~~(4)~~ (5) of  
15 subdivision (b) of Section 11462 of the Welfare and Institutions  
16 Code. Notwithstanding this paragraph, the department may grant  
17 a provisional rate to an out-of-state group home program if the  
18 program meets the requirements of *subparagraph (D) of paragraph*  
19 *(2) of subdivision (c) of Section 11402 11460* of the Welfare  
20 and Institutions Code.

21 (ii) A mental health certification equivalent to that required in  
22 Section 11462.01 of the Welfare and Institutions Code.

23 (B) If an out-of-state group home program is granted an  
24 extension pursuant to the exception process described in  
25 subdivision (d) of Section 11462.04 of the Welfare and Institutions  
26 Code, this paragraph shall apply to that group home on and after  
27 January 1, 2018.

28 (4) Any failure by an out-of-state group home facility to make  
29 children or staff available as required by subdivision (a) for a  
30 private interview or make files available for review shall be  
31 grounds to deny or discontinue the certification. The State  
32 Department of Social Services shall grant or deny an initial  
33 certification or a waiver under this subdivision to an out-of-state  
34 group home facility that has more than six California children  
35 placed by a county social services agency or probation department  
36 by August 19, 1999. The department shall grant or deny an initial  
37 certification or a waiver under this subdivision to an out-of-state  
38 group home facility that has six or fewer California children placed  
39 by a county social services agency or probation department by



1 February 19, 2000. Certifications made pursuant to this subdivision  
2 shall be reviewed annually.

3 (d) Within six months of the effective date of this section, a  
4 county shall be required to obtain an assessment and placement  
5 recommendation by a county multidisciplinary team for each child  
6 in an out-of-state group home facility. On or after March 1, 1999,  
7 a county shall be required to obtain an assessment and placement  
8 recommendation by a county multidisciplinary team prior to  
9 placement of a child in an out-of-state group home facility.

10 (e) Any failure by an out-of-state group home to obtain or  
11 maintain its certification as required by subdivision (c) shall  
12 preclude the use of any public funds, whether county, state, or  
13 federal, in the payment for the placement of any child in that  
14 out-of-state group home, pursuant to the Interstate Compact on  
15 the Placement of Children.

16 (f) (1) A multidisciplinary team shall consist of participating  
17 members from county social services, county mental health, county  
18 probation, county superintendents of schools, and other members  
19 as determined by the county.

20 (2) Participants shall have knowledge or experience in the  
21 prevention, identification, and treatment of child abuse and neglect  
22 cases, and shall be qualified to recommend a broad range of  
23 services related to child abuse or neglect.

24 (g) (1) The department may deny, suspend, or discontinue the  
25 certification of the out-of-state group home if the department makes  
26 a finding that the group home is not operating in compliance with  
27 the requirements of subdivision (c).

28 (2) Any judicial proceeding to contest the department's  
29 determination as to the status of the out-of-state group home  
30 certificate shall be held in California pursuant to Section 1085 of  
31 the Code of Civil Procedure.

32 (h) The certification requirements of this section shall not impact  
33 placements of emotionally disturbed children made pursuant to an  
34 individualized education program developed pursuant to the federal  
35 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400  
36 et seq.) if the placement is not funded with federal or state foster  
37 care funds.

38 (i) Only an out-of-state group home authorized by the Compact  
39 Administrator to receive state funds for the placement by a county  
40 social services agency or probation department of any child in that

1 out-of-state group home from the effective date of this section  
2 shall be eligible for public funds pending the department's  
3 certification under this section.

4 SEC. 4. Section 7912 of the Family Code is amended to read:

5 7912. (a) The Legislature finds and declares that the health  
6 and safety of children in out-of-state group home care pursuant to  
7 the Interstate Compact on the Placement of Children is a matter  
8 of statewide concern. The Legislature therefore affirms its intention  
9 that children placed by a county social services agency or probation  
10 department in out-of-state group homes be accorded the same  
11 personal rights and safeguards of a child placed in a California  
12 group home. This section is in clarification of existing law.

13 (b) (1) The Compact Administrator may temporarily suspend  
14 any new placements in an out-of-state group home, for a period  
15 not to exceed 100 days, pending the completion of an investigation,  
16 pursuant to subdivision (a) of Section 7911.1, regarding a threat  
17 to the health and safety of children in care. During any suspension  
18 period the department or its designee shall have staff daily onsite  
19 at the out-of-state group home.

20 (2) On and after January 1, 2017, the licensing standards  
21 applicable to out-of-state group homes certified by the State  
22 Department of Social Services shall be those required of short-term  
23 residential treatment centers operated in this state.

24 SEC. 5. Section 6276.38 of the Government Code is amended  
25 to read:

26 6276.38. Radioactive materials, dissemination of information  
27 about transportation of, Section 33002, Vehicle Code.

28 Railroad infrastructure protection program, disclosure not  
29 required for risk assessments filed with the Public Utilities  
30 Commission, the Director of Emergency Services, or the Office  
31 of Emergency Services, Section 6254.23.

32 Real estate broker, annual report to Bureau of Real Estate of  
33 financial information, confidentiality of, Section 10232.2, Business  
34 and Professions Code.

35 Real property, acquisition by state or local government,  
36 information relating to feasibility, subdivision (h), Section 6254.

37 Real property, change in ownership statement, confidentiality  
38 of, Section 27280.

39 Records described in Section 1620 of the Penal Code.

1 Records of contract purchasers, inspection by public prohibited,  
2 Section 85, Military and Veterans Code.

3 Records of persons committed to a state hospital pursuant to  
4 Section 4135 of the Welfare and Institutions Code.

5 Registered public obligations, inspection of records of security  
6 interests in, Section 5060.

7 Registration of exempt vehicles, nondisclosure of name of person  
8 involved in alleged violation, Section 5003, Vehicle Code.

9 Rehabilitation, Department of, confidential information, Section  
10 19016, Welfare and Institutions Code.

11 Reinsurance intermediary-broker license information,  
12 confidentiality of, Section 1781.3, Insurance Code.

13 Relocation assistance, confidential records submitted to a public  
14 entity by a business or farm operation, Section 7262.

15 Rent control ordinance, confidentiality of information concerning  
16 accommodations sought to be withdrawn from, Section 7060.4.

17 Report of probation officer, inspection, copies, Section 1203.05,  
18 Penal Code.

19 Repossession agency licensee application, confidentiality of  
20 information, Sections 7503, 7504, and 7506.5, Business and  
21 Professions Code.

22 Reproductive health facilities, disclosure not required for  
23 personal information regarding employees, volunteers, board  
24 members, owners, partners, officers, and contractors of a  
25 reproductive health services facility who have provided requisite  
26 notification, Section 6254.18.

27 Residence address in any record of Department of Housing and  
28 Community Development, confidentiality of, Section 6254.1.

29 Residence address in any record of Department of Motor  
30 Vehicles, confidentiality of, Section 6254.1, Government Code,  
31 and Section 1808.21, Vehicle Code.

32 Residence and mailing addresses in records of Department of  
33 Motor Vehicles, confidentiality of, Section 1810.7, Vehicle Code.

34 Residential care facilities, confidentiality of resident information,  
35 Section 1568.08, Health and Safety Code.

36 Residential care facilities for the elderly, confidentiality of client  
37 information, Section 1569.315, Health and Safety Code.

38 Resource families, identifying information, Section 16519.55,  
39 Welfare and Institutions Code.

1 Respiratory care practitioner, professional competency  
2 examination reports, confidentiality of, Section 3756, Business  
3 and Professions Code.

4 Restraint of trade, civil action by district attorney, confidential  
5 memorandum, Section 16750, Business and Professions Code.

6 Reward by Governor for information leading to arrest and  
7 conviction, confidentiality of person supplying information, Section  
8 1547, Penal Code.

9 Safe surrender site, confidentiality of information pertaining to  
10 a parent or individual surrendering a child, Section 1255.7, Health  
11 and Safety Code.

12 SEC. 6. Section 1502 of the Health and Safety Code is amended  
13 to read:

14 1502. As used in this chapter:

15 (a) “Community care facility” means any facility, place, or  
16 building that is maintained and operated to provide nonmedical  
17 residential care, day treatment, adult day care, or foster family  
18 agency services for children, adults, or children and adults,  
19 including, but not limited to, the physically handicapped, mentally  
20 impaired, incompetent persons, and abused or neglected children,  
21 and includes the following:

22 (1) “Residential facility” means any family home, group care  
23 facility, or similar facility determined by the director, for 24-hour  
24 nonmedical care of persons in need of personal services,  
25 supervision, or assistance essential for sustaining the activities of  
26 daily living or for the protection of the individual.

27 (2) “Adult day program” means any community-based facility  
28 or program that provides care to persons 18 years of age or older  
29 in need of personal services, supervision, or assistance essential  
30 for sustaining the activities of daily living or for the protection of  
31 these individuals on less than a 24-hour basis.

32 (3) “Therapeutic day services facility” means any facility that  
33 provides nonmedical care, counseling, educational or vocational  
34 support, or social rehabilitation services on less than a 24-hour  
35 basis to persons under 18 years of age who would otherwise be  
36 placed in foster care or who are returning to families from foster  
37 care. Program standards for these facilities shall be developed by  
38 the department, pursuant to Section 1530, in consultation with  
39 therapeutic day services and foster care providers.

1 (4) “Foster family agency” means any public agency or private  
2 organization engaged in the recruiting, certifying, and training of,  
3 and providing professional support to, foster parents, or in finding  
4 homes or other places for placement of children for temporary or  
5 permanent care who require that level of care. Private foster family  
6 agencies shall be organized and operated on a nonprofit basis.

7 (5) “Foster family home” means any residential facility  
8 providing 24-hour care for six or fewer foster children that is  
9 owned, leased, or rented and is the residence of the foster parent  
10 or parents, including their family, in whose care the foster children  
11 have been placed. The placement may be by a public or private  
12 child placement agency or by a court order, or by voluntary  
13 placement by a parent, parents, or guardian. It also means a foster  
14 family home described in Section 1505.2.

15 (6) “Small family home” means any residential facility, in the  
16 licensee’s family residence, that provides 24-hour care for six or  
17 fewer foster children who have mental disorders or developmental  
18 or physical disabilities and who require special care and supervision  
19 as a result of their disabilities. A small family home may accept  
20 children with special health care needs, pursuant to subdivision  
21 (a) of Section 17710 of the Welfare and Institutions Code. In  
22 addition to placing children with special health care needs, the  
23 department may approve placement of children without special  
24 health care needs, up to the licensed capacity.

25 (7) “Social rehabilitation facility” means any residential facility  
26 that provides social rehabilitation services for no longer than 18  
27 months in a group setting to adults recovering from mental illness  
28 who temporarily need assistance, guidance, or counseling. Program  
29 components shall be subject to program standards pursuant to  
30 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part  
31 2 of Division 5 of the Welfare and Institutions Code.

32 (8) “Community treatment facility” means any residential  
33 facility that provides mental health treatment services to children  
34 in a group setting and that has the capacity to provide secure  
35 containment. Program components shall be subject to program  
36 standards developed and enforced by the State Department of  
37 Health Care Services pursuant to Section 4094 of the Welfare and  
38 Institutions Code.

39 Nothing in this section shall be construed to prohibit or  
40 discourage placement of persons who have mental or physical

1 disabilities into any category of community care facility that meets  
2 the needs of the individual placed, if the placement is consistent  
3 with the licensing regulations of the department.

4 (9) “Full-service adoption agency” means any licensed entity  
5 engaged in the business of providing adoption services, that does  
6 all of the following:

7 (A) Assumes care, custody, and control of a child through  
8 relinquishment of the child to the agency or involuntary termination  
9 of parental rights to the child.

10 (B) Assesses the birth parents, prospective adoptive parents, or  
11 child.

12 (C) Places children for adoption.

13 (D) Supervises adoptive placements.

14 Private full-service adoption agencies shall be organized and  
15 operated on a nonprofit basis. As a condition of licensure to provide  
16 intercountry adoption services, a full-service adoption agency shall  
17 be accredited and in good standing according to Part 96 of Title  
18 22 of the Code of Federal Regulations, or supervised by an  
19 accredited primary provider, or acting as an exempted provider,  
20 in compliance with Subpart F (commencing with Section 96.29)  
21 of Part 96 of Title 22 of the Code of Federal Regulations.

22 (10) “Noncustodial adoption agency” means any licensed entity  
23 engaged in the business of providing adoption services, that does  
24 all of the following:

25 (A) Assesses the prospective adoptive parents.

26 (B) Cooperatively matches children freed for adoption, who are  
27 under the care, custody, and control of a licensed adoption agency,  
28 for adoption, with assessed and approved adoptive applicants.

29 (C) Cooperatively supervises adoptive placements with a  
30 full-service adoptive agency, but does not disrupt a placement or  
31 remove a child from a placement.

32 Private noncustodial adoption agencies shall be organized and  
33 operated on a nonprofit basis. As a condition of licensure to provide  
34 intercountry adoption services, a noncustodial adoption agency  
35 shall be accredited and in good standing according to Part 96 of  
36 Title 22 of the Code of Federal Regulations, or supervised by an  
37 accredited primary provider, or acting as an exempted provider,  
38 in compliance with Subpart F (commencing with Section 96.29)  
39 of Part 96 of Title 22 of the Code of Federal Regulations.

1 (11) “Transitional shelter care facility” means any group care  
2 facility that provides for 24-hour nonmedical care of persons in  
3 need of personal services, supervision, or assistance essential for  
4 sustaining the activities of daily living or for the protection of the  
5 individual. Program components shall be subject to program  
6 standards developed by the State Department of Social Services  
7 pursuant to Section 1502.3.

8 (12) “Transitional housing placement provider” means an  
9 organization licensed by the department pursuant to Section  
10 1559.110 and Section 16522.1 of the Welfare and Institutions Code  
11 to provide transitional housing to foster children at least 16 years  
12 of age and not more than 18 years of age, and nonminor  
13 dependents, as defined in subdivision (v) of Section 11400 of the  
14 Welfare and Institutions Code, to promote their transition to  
15 adulthood. A transitional housing placement provider shall be  
16 privately operated and organized on a nonprofit basis.

17 (13) “Group home” means a residential facility that provides  
18 24-hour care and supervision to children, delivered at least in part  
19 by staff employed by the licensee in a structured environment. The  
20 care and supervision provided by a group home shall be  
21 nonmedical, except as otherwise permitted by law.

22 (14) “Runaway and homeless youth shelter” means a group  
23 home licensed by the department to operate a program pursuant  
24 to Section 1502.35 to provide voluntary, short-term, shelter and  
25 personal services to runaway youth or homeless youth, as defined  
26 in paragraph (2) of subdivision (a) of Section 1502.35.

27 (15) “Enhanced behavioral supports home” means a facility  
28 certified by the State Department of Developmental Services  
29 pursuant to Article 3.6 (commencing with Section 4684.80) of  
30 Chapter 6 of Division 4.5 of the Welfare and Institutions Code,  
31 and licensed by the State Department of Social Services as an adult  
32 residential facility or a group home that provides 24-hour  
33 nonmedical care to individuals with developmental disabilities  
34 who require enhanced behavioral supports, staffing, and  
35 supervision in a homelike setting. An enhanced behavioral supports  
36 home shall have a maximum capacity of four consumers, shall  
37 conform to Section 441.530(a)(1) of Title 42 of the Code of Federal  
38 Regulations, and shall be eligible for federal Medicaid home- and  
39 community-based services funding.

(16) “Community crisis home” means a facility certified by the State Department of Developmental Services pursuant to Article 8 (commencing with Section 4698) of Chapter 6 of Division 4.5 of the Welfare and Institutions Code, and licensed by the State Department of Social Services pursuant to Article 9.7 (commencing with Section 1567.80), as an adult residential facility, providing 24-hour nonmedical care to individuals with developmental disabilities receiving regional center service, in need of crisis intervention services, and who would otherwise be at risk of admission to the acute crisis center at Fairview Developmental Center, Sonoma Developmental Center, an acute general hospital, acute psychiatric hospital, an institution for mental disease, as described in Part 5 (commencing with Section 5900) of Division 5 of the Welfare and Institutions Code, or an out-of-state placement. A community crisis home shall have a maximum capacity of eight consumers, as defined in subdivision (a) of Section 1567.80, shall conform to Section 441.530(a)(1) of Title 42 of the Code of Federal Regulations, and shall be eligible for federal Medicaid home- and community-based services funding.

(17) “Crisis nursery” means a facility licensed by the department to operate a program pursuant to Section 1516 to provide short-term care and supervision for children under six years of age who are voluntarily placed for temporary care by a parent or legal guardian due to a family crisis or stressful situation.

(18) “Short-term residential treatment center” means a residential facility licensed by the department pursuant to Section 1562.01 and operated by any public agency or private organization that provides short-term, specialized, and intensive treatment, including core services as set forth, on and after January 1, 2017, in paragraph (1) of subdivision (b) of Section 11462 of the Welfare and Institutions Code, and 24-hour care and supervision to children. The care and supervision provided by a short-term residential treatment center shall be nonmedical, except as otherwise permitted by law.

(b) “Department” or “state department” means the State Department of Social Services.

(c) “Director” means the Director of Social Services.

SEC. 7. Section 1502.4 of the Health and Safety Code is amended to read:



1 1502.4. (a) (1) A community care facility licensed as a group  
2 home for children pursuant to this chapter may accept for  
3 placement, and provide care and supervision to, a child assessed  
4 as ~~having an emotional disturbance~~, *seriously emotionally*  
5 *disturbed*, as long as the child does not need inpatient care in a  
6 licensed health facility.

7 (2) For the purpose of this chapter, the following definitions  
8 shall apply:

9 (A) "Inpatient care in a licensed health facility" means care and  
10 supervision at a level greater than incidental medical services as  
11 specified in Section 1507.

12 ~~(B) "Emotional disturbance" has the same meaning as that term~~  
13 ~~is defined in Section 300.8(c)(4)(i) of Title 34 of the Code of~~  
14 ~~Federal Regulations.~~

15 (B) "*Seriously emotionally disturbed*" has the same meaning  
16 as that term is used in Section 5600.3 of the Welfare and  
17 Institutions Code.

18 (b) If a child described in subdivision (a) is placed into a group  
19 home program classified at rate classification level 13 or rate  
20 classification level 14 pursuant to Section 11462.01 of the Welfare  
21 and Institutions Code, the licensee shall meet both of the following  
22 requirements:

23 (1) The licensee shall agree to accept, for placement into its  
24 group home program, ~~only~~ children who have been assessed as  
25 ~~having an emotional disturbance~~ *seriously emotionally disturbed*,  
26 by either of the following:

27 (A) An interagency placement committee, as described in  
28 Section 4096 of the Welfare and Institutions Code or by a licensed  
29 mental health professional, as defined in subdivision (g) of Section  
30 4096 of the Welfare and Institutions Code.

31 (B) A licensed mental health professional as defined in  
32 subdivision (g) of Section 4096 of the Welfare and Institutions  
33 Code if the child is privately placed or only county funded.

34 (2) The program is certified by the State Department of Health  
35 Care Services, pursuant to Section 4096.5 of the Welfare and  
36 Institutions Code, as a program that provides mental health  
37 treatment services for ~~children assessed as having an emotional~~  
38 ~~disturbance~~ *seriously emotionally disturbed children*.

39 (c) The department shall not evaluate, or have any responsibility  
40 or liability with regard to the evaluation of, the mental health

1 treatment services provided pursuant to this section and paragraph  
2 (3) of subdivision (f) of Section 11462.01 of the Welfare and  
3 Institutions Code.

4 (d) This section shall remain in effect only until January 1, 2017,  
5 and as of that date is repealed, unless a later enacted statute, that  
6 is enacted before January 1, 2017, deletes or extends that date.

7 SEC. 8. Section 1502.4 is added to the Health and Safety Code,  
8 to read:

9 1502.4. (a) A licensed short-term residential treatment center,  
10 as defined in paragraph (18) of subdivision (a) of Section 1502,  
11 may accept for placement a child who does not require inpatient  
12 care in a licensed health facility and who has been assessed  
13 pursuant to Section 11462.01 of the Welfare and Institutions Code  
14 as meeting the applicable criteria for placement in a short-term  
15 residential treatment center.

16 (b) A licensed foster family agency, as defined in paragraph (4)  
17 of subdivision (a) of Section 1502, may accept for placement a  
18 child who does not require inpatient care in a licensed health  
19 facility and who has been assessed pursuant to Section 11462.01  
20 of the Welfare and Institutions Code as meeting the applicable  
21 criteria for placement by a foster family agency.

22 (c) For the purposes of this chapter, the following definitions  
23 shall apply:

24 (1) "Inpatient care in a licensed health facility" means care and  
25 supervision at a level greater than incidental medical services as  
26 specified in Section 1507.

27 ~~(2) "Emotional disturbance" has the same meaning as that term~~  
28 ~~is used in Section 300.8(c)(4)(i) of Title 34 of the Code of Federal~~  
29 ~~Regulations.~~

30 (2) *"Seriously emotionally disturbed" has the same meaning*  
31 *as that term is used in Section 5600.3 of the Welfare and*  
32 *Institutions Code.*

33 (d) The department shall not evaluate, nor have any  
34 responsibility or liability with regard to the evaluation of, the  
35 mental health treatment services provided pursuant to this section  
36 and paragraph (3) of subdivision (f) of Section 11462.01 of the  
37 Welfare and Institutions Code.

38 (e) This section shall become operative on January 1, 2017.

39 SEC. 9. Section 1502.45 is added to the Health and Safety  
40 Code, immediately following Section 1502.4, to read:

1 1502.45. (a) (1) Notwithstanding Section 1502.4, a community  
2 care facility licensed as a group home for children pursuant to this  
3 chapter may accept for placement, and provide care and supervision  
4 to, a child assessed as ~~having an emotional disturbance~~ *seriously*  
5 *emotionally disturbed* as long as the child does not need inpatient  
6 care in a licensed health facility.

7 (2) For the purpose of this section, the following definitions  
8 shall apply:

9 (A) “Inpatient care in a licensed health facility” means care and  
10 supervision at a level greater than incidental medical services as  
11 specified in Section 1507.

12 ~~(B) “Emotional disturbance” has the same meaning as that term~~  
13 ~~is defined in Section 300.8(c)(4)(i) of Title 34 of the Code of~~  
14 ~~Federal Regulations.~~

15 (B) “*Seriously emotionally disturbed*” has the same meaning  
16 as that term is used in Section 5600.3 of the Welfare and  
17 Institutions Code.

18 (b) If a child described in subdivision (a) is placed into a group  
19 home program classified at rate classification level 13 or rate  
20 classification level 14 pursuant to Section 11462.015 of the Welfare  
21 and Institutions Code, the licensee shall meet both of the following  
22 requirements:

23 (1) The licensee shall agree to accept, for placement into its  
24 group home program, children who have been assessed as ~~having~~  
25 ~~an emotional disturbance~~ *seriously emotionally disturbed* by either  
26 of the following:

27 (A) An interagency placement committee, as described in  
28 Section 4096.1 of the Welfare and Institutions Code or by a  
29 licensed mental health professional, as defined in subdivision (g)  
30 of Section 4096 of the Welfare and Institutions Code.

31 (B) A licensed mental health professional as defined in  
32 subdivision (g) of Section 4096 of the Welfare and Institutions  
33 Code if the child is privately placed or only county funded.

34 (2) The program is certified by the State Department of Health  
35 Care Services, pursuant to Section 4096.55 of the Welfare and  
36 Institutions Code, as a program that provides mental health  
37 treatment services for ~~children who have been assessed as having~~  
38 ~~an emotional disturbance.~~ *seriously emotionally disturbed children.*

39 (c) The department shall not evaluate, or have any responsibility  
40 or liability with regard to the evaluation of, the mental health

1 treatment services provided pursuant to this section and paragraph  
2 (3) of subdivision (f) of Section 11462.015 of the Welfare and  
3 Institutions Code.

4 (d) This section shall only apply to a group home that has been  
5 granted an extension pursuant to the exception process described  
6 in subdivision (d) of Section 11462.04 of the Welfare and  
7 Institutions Code.

8 (e) This section shall become operative on January 1, 2017.

9 (f) This section shall remain in effect only until January 1, 2018,  
10 and as of that date is repealed, unless a later enacted statute, that  
11 is enacted before January 1, 2018, deletes or extends that date.

12 *SEC. 10. Section 1506 of the Health and Safety Code is*  
13 *amended to read:*

14 1506. (a) (1) Any holder of a valid license issued by the  
15 department that authorizes the licensee to engage in foster family  
16 agency functions may use only a certified family home that has  
17 been certified by that agency or a licensed foster family home  
18 approved for this use by the licensing county pursuant to Section  
19 1506.5.

20 (2) Any home selected and certified for the reception and care  
21 of children by that licensee shall not, during the time it is certified  
22 and used only by that agency for these placements or care, be  
23 subject to Section 1508. A certified family home may not be  
24 concurrently licensed as a foster family home or as any other  
25 licensed residential facility.

26 (3) A child with a developmental disability who is placed in a  
27 certified family home by a foster family agency that is operating  
28 under agreement with the regional center responsible for that child  
29 may remain in the certified family home after the age of 18 years.  
30 The determination regarding whether and how long he or she may  
31 remain as a resident after the age of 18 years shall be made through  
32 the agreement of all parties involved, including the resident, the  
33 foster parent, the foster family agency social worker, the resident's  
34 regional center case manager, and the resident's parent, legal  
35 guardian, or conservator, as appropriate. This determination shall  
36 include a needs and service plan that contains an assessment of  
37 the child's needs to ensure continued compatibility with the other  
38 children in placement. The needs and service plan shall be  
39 completed no more than six months prior to the child's 18th

1 birthday. The assessment shall be documented and maintained in  
2 the child's file with the foster family agency.

3 (b) (1) A foster family agency shall certify to the department  
4 that the home has met the department's licensing standards. A  
5 foster family agency may require a family home to meet additional  
6 standards or be compatible with its treatment approach.

7 (2) The foster family agency shall issue a certificate of approval  
8 to the certified family home upon its determination that it has met  
9 the standards established by the department and before the  
10 placement of any child in the home. The certificate shall be valid  
11 for a period not to exceed one year. The annual recertification shall  
12 require a certified family home to complete at least 12 hours of  
13 structured applicable training or continuing education. At least  
14 one hour of training during the first six months following initial  
15 certification shall be dedicated to meeting the requirements of  
16 paragraph (1) of subdivision (b) of Section 11174.1 of the Penal  
17 Code.

18 (3) If the agency determines that the home no longer meets the  
19 standards, it shall notify the department and the local placing  
20 agency.

21 ~~(e) The department shall develop licensing regulations~~  
22 ~~differentiating between foster family agencies that provide~~  
23 ~~treatment of children in foster families and those that provide~~  
24 ~~nontreatment services.~~

25 ~~(d)~~

26 (c) As used in this chapter, "certified family home" means a  
27 family residence certified by a licensed foster family agency and  
28 issued a certificate of approval by that agency as meeting licensing  
29 standards, and used only by that foster family agency for  
30 placements.

31 ~~(e)~~

32 (d) (1) Requirements for social work personnel for a foster  
33 family agency shall be a master's degree from an accredited or  
34 state-approved graduate school in social work or social welfare,  
35 or equivalent education and experience, as determined by the  
36 department.

37 (2) Persons who possess a master's degree from an accredited  
38 or state-approved graduate school in any of the following areas,  
39 or equivalent education and experience, as determined by the

1 department, shall be considered to be qualified to perform social  
2 work activities in a foster family agency:

3 (A) Marriage, family, and child counseling.

4 (B) Child psychology.

5 (C) Child development.

6 (D) Counseling psychology.

7 (E) Social psychology.

8 (F) Clinical psychology.

9 (G) Educational psychology, consistent with the scope of  
10 practice as described in Section 4989.14 of the Business and  
11 Professions Code.

12 (H) Education, with emphasis on counseling.

13 ~~(F)~~

14 (e) (1) In addition to the degree specifications in subdivision  
15 ~~(e)~~, (d), all of the following coursework and field practice or  
16 experience, as defined in departmental regulations, shall be required  
17 of all new hires for the position of social work personnel effective  
18 January 1, 1995:

19 (A) At least three semester units of field practice at the master's  
20 level or six months' full-time equivalent experience in a public or  
21 private social service agency setting.

22 (B) At least nine semester units of coursework related to human  
23 development or human behavior, or, within the first year of  
24 employment, experience working with children and families as a  
25 major responsibility of the position under the supervision of a  
26 supervising social worker.

27 (C) At least three semester units in working with minority  
28 populations or six months of experience in working with minority  
29 populations or training in cultural competency and working with  
30 minority populations within the first six months of employment  
31 as a condition of employment.

32 (D) At least three semester units in child welfare or at least six  
33 months of experience in a public or private child welfare social  
34 services setting for a nonsupervisory social worker. A supervising  
35 social worker shall have two years' experience in a public or private  
36 child welfare social services setting.

37 (2) (A) Persons who do not meet the requirements specified in  
38 subdivision ~~(e)~~ or ~~(f)~~ (d) or (e) may apply for an exception as  
39 provided for in subdivisions ~~(g)~~ and ~~(h)~~: (f) and (g).

1 (B) Exceptions granted by the department prior to January 1,  
2 1995, shall remain in effect.

3 (3) (A) Persons who are hired as social work personnel on or  
4 after January 1, 1995, who do not meet the requirements listed in  
5 this subdivision shall be required to successfully meet those  
6 requirements in order to be employed as social work personnel in  
7 a foster family agency.

8 (B) Employees who were hired prior to January 1, 1995, shall  
9 not be required to meet the requirements of this subdivision in  
10 order to remain employed as social work personnel in a foster  
11 family agency.

12 (4) Coursework and field practice or experience completed to  
13 fulfill the degree requirements of subdivision ~~(e)~~ (d) may be used  
14 to satisfy the requirements of this subdivision.

15 ~~(g)~~

16 (f) Individuals seeking an exception to the requirements of  
17 subdivision ~~(e)~~ or ~~(f)~~ (d) or (e) based on completion of equivalent  
18 education and experience shall apply to the department by the  
19 process established by the department.

20 ~~(h)~~

21 (g) The department shall be required to complete the process  
22 for the exception to minimum education and experience  
23 requirements described in subdivisions ~~(e)~~ and ~~(f)~~ (d) and (e) within  
24 30 days of receiving the exception application of social work  
25 personnel or supervising social worker qualifications from the  
26 foster family agency.

27 ~~(i)~~

28 (h) The department shall review the feasibility of instituting a  
29 licensure category to cover foster homes that are established  
30 specifically to care for and supervise adults with developmental  
31 disabilities, as defined in subdivision (a) of Section 4512 of the  
32 Welfare and Institutions Code, to prevent the institutionalization  
33 of those individuals.

34 ~~(j)~~

35 (i) For purposes of this section, "social work personnel" means  
36 supervising social workers as well as nonsupervisory social  
37 workers.

38 ~~SEC. 10.~~

39 *SEC. 11.* Section 1506.1 is added to the Health and Safety  
40 Code, to read:

1 1506.1. (a) A foster family agency shall prepare and maintain  
2 a current, written plan of operation as required by the department.

3 (b) (1) On and after January 1, 2017, a foster family agency  
4 shall have national accreditation from an entity identified by the  
5 department pursuant to the process described in paragraph (8) of  
6 subdivision (b) of Section 11463 of the Welfare and Institutions  
7 Code.

8 (2) Notwithstanding paragraph (1), the department may issue a  
9 provisional license to a foster family agency and may extend the  
10 term of the provisional license in order for the foster family agency  
11 to secure accreditation as set forth in subdivision (c) of Section  
12 1525.5.

13 (c) (1) On and after January 1, 2017, a foster family agency's  
14 plan of operation shall demonstrate the foster family agency's  
15 ability to support the differing needs of children and their families.

16 (2) In addition to complying with the rules and regulations  
17 adopted pursuant to this chapter, a foster family agency's plan of  
18 operation shall include a program statement. The program  
19 statement shall contain a description of all of the following:

20 (A) The core services and supports, as set forth in paragraph  
21 (5) of subdivision (b) of Section 11463 of the Welfare and  
22 Institutions Code, and as prescribed by the department, to be  
23 offered to children and their families, as appropriate or as  
24 necessary.

25 (B) The treatment practices that will be used in serving children  
26 and families.

27 (C) A description of the services to be provided to meet the  
28 treatment needs of the child as assessed pursuant to subdivision  
29 (d) or (e) of Section 11462.01 of the Welfare and Institutions Code.

30 (D) How the foster family agency will comply with the resource  
31 family approval standards and requirements, as set forth in Section  
32 16519.5 of the Welfare and Institutions Code.

33 ~~(E)~~

34 (d) In addition to the rules and regulations adopted pursuant to  
35 this chapter, a county licensed to operate a foster family agency  
36 shall describe, in the plan of operation, its ~~conflict-of-interest~~  
37 *conflict-of-interest* mitigation plan, on and after January 1, 2017,  
38 as set forth in subdivision (g) of Section 11462.02 of the Welfare  
39 and Institutions Code.

40 ~~(F)~~



1 (e) The foster family agency's plan of operation shall  
2 demonstrate the foster family agency's ability to provide treatment  
3 services to meet the individual needs of children placed in licensed,  
4 approved, or certified relative and nonrelative foster families, as  
5 specified in Section 11402 of the Welfare and Institutions Code.

6 ~~(d)~~

7 (f) The department shall have the authority to inspect a foster  
8 family agency pursuant to the system of governmental monitoring  
9 and oversight developed by the department on and after January  
10 1, 2017, pursuant to subdivision (c) of Section 11463 of the  
11 Welfare and Institutions Code.

12 ~~(e)~~

13 (g) (1) Upon request of a county, a foster family agency shall  
14 submit its plan of operation to the county which it will primarily  
15 serve. The county may review the plan of operation to determine  
16 whether to issue a certification of all of the following:

17 (A) The program is needed by the county.

18 (B) The provider is capable of effectively and efficiently  
19 operating the program.

20 (C) The provider is willing and able to accept placements who  
21 need the level of care and services that will be provided by the  
22 program.

23 (D) The plan of operation is suitable to meet the needs of the  
24 identified population.

25 (2) The department shall establish procedures for certification  
26 pursuant to paragraph (1), in consultation with the County Welfare  
27 Directors Association, Association of California, Chief Probation  
28 Officers of California, and other stakeholders, as appropriate.

29 ~~SEC. 11.~~

30 *SEC. 12.* Section 1507.25 of the Health and Safety Code is  
31 amended to read:

32 1507.25. (a) (1) Notwithstanding any other law, a person  
33 described in paragraph (2), who is not a licensed health care  
34 professional, but who is trained to administer injections by a  
35 licensed health care professional practicing within his or her scope  
36 of practice, may administer emergency medical assistance and  
37 injections for severe diabetic hypoglycemia and anaphylactic shock  
38 to a foster child in placement.

(2) The following individuals shall be authorized to administer emergency medical assistance and injections in accordance with this subdivision:

- (A) A relative caregiver.
  - (B) A nonrelative extended family member.
  - (C) A foster family home parent.
  - (D) A member of a resource family, as defined in subdivision (c) of Section 16519.5 of the Welfare and Institutions Code.
  - (E) A small family home parent.
  - (F) A certified parent of a foster family agency.
  - (G) A substitute caregiver of a foster family home or a certified family home.
  - (H) A staff member of a small family home or a group home who provides direct care and supervision to children and youth residing in the small family home or group home.
  - (I) A staff member of a short-term residential treatment center who provides direct care and supervision to children and youth residing in the short-term residential treatment center.
- (3) The licensed health care professional shall periodically review, correct, or update training provided pursuant to this section as he or she deems necessary and appropriate.
- (b) (1) Notwithstanding any other law, a person described in paragraph (2), who is not a licensed health care professional, but who is trained to administer injections by a licensed health care professional practicing within his or her scope of practice, may administer subcutaneous injections of other medications, including insulin, as prescribed by the child's physician, to a foster child in placement.
- (2) The following individuals shall be authorized to give prescribed injections including insulin in accordance with this subdivision:
- (A) A relative caregiver.
  - (B) A nonrelative extended family member.
  - (C) A foster family home parent.
  - (D) A member of a resource family, as defined in subdivision (c) of Section 16519.5 of the Welfare and Institutions Code.
  - (E) A small family home parent.
  - (F) A certified parent of a foster family agency.
  - (G) In the absence of a foster parent, a designated substitute caregiver in a foster family home or a certified family home.

1 (H) A direct care staff member of a short-term residential  
2 treatment center who provides direct care and supervision to  
3 children and youth residing in the short-term residential treatment  
4 center.

5 (3) The licensed health care professional shall periodically  
6 review, correct, or update training provided pursuant to this section  
7 as he or she deems necessary and appropriate.

8 (c) For purposes of this section, administration of an insulin  
9 injection shall include all necessary supportive activities related  
10 to the preparation and administration of the injection, including  
11 glucose testing and monitoring.

12 (d) Notwithstanding Part 5.5 (commencing with Section 17700)  
13 of Division 9 of, and particularly subdivision (g) of Section 17710  
14 of, the Welfare and Institutions Code, a child's need to receive  
15 injections pursuant to this section shall not be the sole basis for  
16 determining that the child has a medical condition requiring  
17 specialized in-home health care.

18 (e) This section does not supersede the requirements of Section  
19 369.5 of the Welfare and Institutions Code, with respect to the  
20 administration of psychotropic medication to a dependent child of  
21 the court.

22 ~~SEC. 12.~~

23 *SEC. 13.* Section 1517 is added to the Health and Safety Code,  
24 to read:

25 1517. (a) (1) Pursuant to subdivision (a) of Section 16519.5  
26 of the Welfare and Institutions Code, the State Department of  
27 Social Services, shall implement a unified, family friendly, and  
28 child-centered resource family approval process to replace the  
29 existing multiple processes for licensing foster family homes,  
30 approving relatives and nonrelative extended family members as  
31 foster care providers, and approving adoptive families.

32 (2) For purposes of this section, a "resource family" means an  
33 individual or couple that have successfully met both the home  
34 ~~approval standards~~ *environment assessment* and the permanency  
35 assessment criteria, as set forth in Section 16519.5 of the Welfare  
36 and Institutions Code, necessary for providing care for a related  
37 or unrelated child who is under the jurisdiction of the juvenile  
38 court, or otherwise in the care of a county child welfare agency or  
39 probation department.

(b) A foster family agency that is selected and authorized to participate in early implementation of the resource family approval program, pursuant to subdivision ~~(f)~~ (t) of Section 16519.5 of the Welfare and Institutions Code, shall comply with the provisions of this section.

(1) Notwithstanding any other law, the foster family agency shall require its applicants and resource families to meet the resource family approval standards set forth in Section 16519.5 of the Welfare and Institutions Code, the written directives adopted thereto, and other applicable laws prior to approval and in order to maintain approval.

(2) The foster family agency shall be responsible for all of the following:

(A) Complying with the applicable provisions of the Community Care Facilities Act (commencing with Section 1500), the regulations for foster family agencies, the resource family approval standards and requirements set forth in Section 16519.5 of the Welfare and Institutions Code, and the applicable written directives adopted thereto as directed by the department.

(B) Implementing the requirements for the home approval and permanency assessment and utilizing standardized documentation established by the department.

(C) Ensuring staff have the education and experience necessary to complete the home ~~approval~~ *environment* and permanency ~~assessment~~ *assessments* competently.

(D) Approving and denying resource family applications, including all of the following:

(i) Rescinding resource family approvals when appropriate, consistent with the established standard.

(ii) Providing to the department a log of resource families that were approved or rescinded during the month by the 10th day of the following month. For purposes of subdivision (d) of Section 1536, a certified family home includes a resource family approved by the foster family agency pursuant to this section.

(iii) Updating resource family approval annually.

(E) Monitoring resource families through all of the following:

(i) Ensuring that social workers who identify a condition in the home that may not meet the resource family approval standards while in the course of a routine visit to children subsequently placed with a resource family take appropriate action as needed.

1 (ii) Requiring resource families to comply with corrective action  
2 plans as necessary to correct identified deficiencies. If corrective  
3 action is not completed as specified in the plan, the foster family  
4 agency or the department may rescind the approval of the resource  
5 family in accordance with the written directives adopted pursuant  
6 to Section 16519.5 of the Welfare and Institutions Code.

7 (iii) Requiring resource families to report to the foster family  
8 agency any incidents as specified in the written directives adopted  
9 pursuant to Section 16519.5 of the Welfare and Institutions Code.

10 (F) Performing corrective action as required by the department.

11 (G) Submitting information and data that the department  
12 determines is necessary to study, monitor, and prepare the report  
13 specified in paragraph (9) of subdivision (f) of Section 16519.5 of  
14 the Welfare and Institutions Code.

15 (H) Ensuring resource family applicants and resource families  
16 meet the training requirements set forth in paragraphs (12) to (14),  
17 inclusive, of ~~subdivision (g)~~ *subdivisions (g) and (h)* of Section  
18 16519.5 of the Welfare and Institutions Code.

19 (3) In addition to subdivision (f) of Section 16519.5 of the  
20 Welfare and Institutions Code, the State Department of Social  
21 Services shall be responsible for investigating all complaints  
22 against a resource family approved by the foster family agency  
23 and taking any action it deems necessary. This shall include  
24 investigating any incidents reported about a resource family  
25 indicating that the approval standard is not being maintained.  
26 Complaint investigations shall be conducted in accordance with  
27 the written directives adopted pursuant to Section 16519.5 of the  
28 Welfare and Institutions Code.

29 (A) The department may enter and inspect the home of a  
30 resource family approved by the foster family agency to secure  
31 compliance with the resource family approval standards, investigate  
32 a complaint or incident, or ensure the quality of care provided.

33 (4) Nothing in this section or Section 16519.5 of the Welfare  
34 and Institutions Code limits the authority of the department to  
35 inspect, evaluate, investigate a complaint or incident, or initiate a  
36 disciplinary action against a foster family agency pursuant to this  
37 chapter or to take any action it may deem necessary for the health  
38 and safety of children placed with the foster family agency.

1 (c) For purposes of paragraph (3) of subdivision (b) of Section  
2 1523.1, a certified family home includes a resource family  
3 approved by the foster family agency pursuant to this section.

4 (d) (1) On and after January 1, 2017, all licensed foster family  
5 agencies shall approve resource families in lieu of certifying foster  
6 homes. A foster family agency shall require its applicants and  
7 resource families to meet the approval standards and requirements  
8 set forth in Section 16519.5 of the Welfare and Institutions Code,  
9 the written directives adopted thereto, and other applicable laws  
10 prior to approval and in order to maintain ~~approval~~ approval.

11 (2) *No later than July 1, 2017, each foster family agency shall*  
12 *provide the following information to all certified family homes:*

13 (A) *A detailed description of the resource family approval*  
14 *program.*

15 (B) *Notification that, in order to care for a foster child, resource*  
16 *family approval is required by December 31, 2019.*

17 (C) *Notification that a certificate of approval shall be forfeited*  
18 *by operation of law as provided for in paragraph (4).*

19 (3) *By no later than January 1, 2018, the following shall apply*  
20 *to all certified family homes:*

21 (A) *A certified family home with an approved adoptive home*  
22 *study, completed prior to January 1, 2018, shall be deemed to be*  
23 *an approved resource family.*

24 (B) *A certified family home that had a child in placement at any*  
25 *time, for any length of time, between January 1, 2017, and*  
26 *December 31, 2017, inclusive, may be approved as a resource*  
27 *family on the date of successful completion of a psychosocial*  
28 *assessment pursuant to subparagraph (B) of paragraph (2) of*  
29 *subdivision (d) of Section 16519.5 of the Welfare and Institutions*  
30 *Code.*

31 (4) *A county shall provide supportive services to all certified*  
32 *family homes with a child in placement to assist with the resource*  
33 *family transition and to minimize placement disruptions.*

34 (5) *All certificates of approval shall be forfeited by operation*  
35 *of law on December 31, 2019, except as provided in this*  
36 *paragraph:*

37 (A) *A certified family home that did not have a child in*  
38 *placement at any time between January 1, 2017, and December*  
39 *31, 2017, inclusive, shall forfeit by operation of law its certificate*  
40 *of approval on January 1, 2018.*

1     (B) *For a certified family home with a pending resource family*  
2 *application on December 31, 2019, the certificate of approval*  
3 *shall be forfeited by operation of law on the date of approval as*  
4 *a resource family. If approval is denied, forfeiture by operation*  
5 *of law shall occur on the date of completion of any proceedings*  
6 *required by law to ensure due process.*

7     ~~SEC. 13.~~

8     SEC. 14. Section 1520.1 of the Health and Safety Code is  
9 amended to read:

10    1520.1. In addition to Section 1520, applicants for a group  
11 home or short-term residential treatment center license shall meet  
12 the following requirements:

13    (a) (1) During the first 12 months of operation, the facility shall  
14 operate with a provisional license. After eight months of operation,  
15 the department shall conduct a comprehensive review of the facility  
16 for compliance with all applicable laws and regulations and help  
17 develop a plan of correction with the provisional licensee, if  
18 appropriate. By the end of the 12th month of operation, the  
19 department shall determine if the permanent license should be  
20 issued.

21    (2) If the department determines that the group home or  
22 short-term residential treatment center is in substantial compliance  
23 with licensing standards, notwithstanding Section 1525.5, the  
24 department may extend the provisional license for up to an  
25 additional six months for either of the following reasons:

26    (A) The group home or short-term residential treatment center  
27 requires additional time to be in full compliance with licensing  
28 standards.

29    (B) After 12 months of operation, the group home or short-term  
30 residential treatment center is not operating at 50 percent of its  
31 licensed capacity.

32    (3) By no later than the first business day of the 17th month of  
33 operation, the department shall conduct an additional review of a  
34 facility for which a provisional license is extended pursuant to  
35 paragraph (2), in order to determine whether a permanent license  
36 should be issued.

37    (4) At the time of its review pursuant to paragraph (3), the  
38 department may extend the term of a provisional license for a  
39 period not to exceed two years, only if it determines that this  
40 additional time period is required to secure accreditation from an

1 entity identified by the department pursuant to the process  
2 described in paragraph ~~(4)~~ (5) of subdivision (b) of Section 11462  
3 Welfare and Institutions Code and provided that all other  
4 requirements for a license have been met.

5 (5) The department may deny a group home or short-term  
6 residential treatment center license application at any time during  
7 the term of the provisional license to protect the health and safety  
8 of clients. If the department denies the application, the group home  
9 or short-term residential treatment center shall cease operation  
10 immediately. Continued operation of the facility after the  
11 department denies the application or the provisional license expires  
12 shall constitute unlicensed operation.

13 (6) When the department notifies a city or county planning  
14 authority pursuant to subdivision (c) of Section 1520.5, the  
15 department shall briefly describe the provisional licensing process  
16 and the timelines provided for under that process, as well as provide  
17 the name, address, and telephone number of the district office  
18 licensing the facility where a complaint or comment about the  
19 group home's or short-term residential treatment center's operation  
20 may be filed.

21 ~~(b) An applicant for a short-term residential treatment center~~  
22 ~~license shall submit to the department a certification from the~~  
23 ~~county which it primarily serves as set forth in subdivision (e) of~~  
24 ~~Section 1562.01.~~

25 ~~(e)~~

26 (b) (1) After the production of the booklet provided for in  
27 paragraph (2), every member of the group home's board of  
28 directors or governing body and every member of a short-term  
29 residential treatment center's board of directors or governing body  
30 shall, prior to becoming a member of the board of directors or  
31 governing body sign a statement that he or she understands his or  
32 her legal duties and obligations as a member of the board of  
33 directors or governing body and that the group home's or  
34 short-term residential treatment center's operation is governed by  
35 laws and regulations that are enforced by the department, as set  
36 forth in the booklet. The applicant, provisional licensee, and  
37 licensee shall have this statement available for inspection by the  
38 department. For members of the board of directors or governing  
39 body when the booklet is produced, the licensee shall obtain this  
40 statement by the next scheduled meeting of the board of directors



1 or governing body. Compliance with this paragraph shall be a  
2 condition of licensure.

3 (2) The department shall distribute to every group home provider  
4 and short-term residential treatment center provider, respectively,  
5 detailed information designed to educate members of the group  
6 home provider's or short-term residential treatment center  
7 provider's board of directors or governing body of their roles and  
8 responsibilities as members of a public benefit corporation under  
9 the laws of this state. The information shall be included in a  
10 booklet, may be revised as deemed necessary by the department,  
11 and shall include, but not be limited to, all of the following:

12 (A) The financial responsibilities of a member of the board of  
13 directors or governing body.

14 (B) Disclosure requirements for self-dealing transactions.

15 (C) Legal requirements pertaining to articles of incorporation,  
16 bylaws, length of member terms, voting procedures, board or  
17 governing body meetings, quorums, minutes of meetings, and, as  
18 provided for in subdivision ~~(g)~~, (f), member duties.

19 (D) A general overview of the laws and regulations governing  
20 the group home's or short-term residential treatment center's  
21 operation that are enforced by the department.

22 ~~(d)~~

23 (c) All financial records submitted by a facility to the  
24 department, or that are submitted as part of an audit of the facility,  
25 including, but not limited to, employee timecards and timesheets,  
26 shall be signed and dated by the employee and by the group home  
27 representative or short-term residential treatment center  
28 representative who is responsible for ensuring the accuracy of the  
29 information contained in the record, and shall contain an  
30 affirmative statement that the signatories understand that the  
31 information contained in the document is correct to the best of  
32 their knowledge and that submission of false or misleading  
33 information may be prosecuted as a crime.

34 ~~(e)~~

35 (d) An applicant, provisional licensee, or licensee shall maintain,  
36 submit, and sign financial documents to verify the legitimacy and  
37 accuracy of these documents. These documents include, but are  
38 not limited to, the group home or short-term residential treatment  
39 center application, any financial documents and plans of corrections  
40 submitted to the department, and time sheets.

1     ~~(f)~~

2     ~~(e)~~ (1) It is the intent of the Legislature that a group home or  
3 short-term residential treatment center have either representatives  
4 on its board of directors, as listed in paragraph (2), or a community  
5 advisory board, that meets at least annually.

6     (2) The representatives on the board of directors or the  
7 community advisory board members should consist of at least the  
8 following persons:

9     (A) A member of the facility's board of directors.

10    (B) Members of the community where the facility is located.

11    (C) Neighbors of the facility.

12    (D) Current or former clients of the facility.

13    (E) A representative from a local law enforcement or other city  
14 or county representative.

15    ~~(g)~~

16    ~~(f)~~ Each group home or short-term residential treatment center  
17 provider shall schedule and conduct quarterly meetings of its board  
18 of directors or governing body. During these quarterly meetings,  
19 the board of directors or governing body shall review and discuss  
20 licensing reports, financial and program audit reports of its group  
21 home or short-term residential treatment center operations, special  
22 incident reports, and any administrative action against the licensee  
23 or its employees. The minutes shall reflect the board's or governing  
24 body's discussion of these documents and the group home's or  
25 short-term residential treatment center's operation. The licensee  
26 shall make available the minutes of group home's or short-term  
27 residential treatment center's board of directors or governing body  
28 meetings to the department.

29    ~~SEC. 14.~~

30    ~~SEC. 15.~~ Section 1522.2 of the Health and Safety Code is  
31 amended to read:

32    1522.2. If a local law enforcement agency, a probation officer,  
33 or a local department or agency that provides social services  
34 becomes aware that an employee of a community treatment facility,  
35 a day treatment facility, a group home, a short-term residential  
36 treatment center, or a foster family agency has been arrested for  
37 child abuse, as defined in Section 11165.6 of the Penal Code, after  
38 determining that the potential for abuse is present and that the  
39 employee is free to return to the facility where children are present,  
40 the local law enforcement agency, probation officer, or local

1 department or agency shall notify the licensee of the charge of  
2 abuse.

3 ~~SEC. 15.~~

4 *SEC. 16.* Section 1522.4 of the Health and Safety Code is  
5 amended to read:

6 1522.4. (a) In addition to any other requirements of this chapter  
7 and except for foster family homes, small family homes, and  
8 certified family homes of foster family agencies, all of the  
9 following apply to any community care facility providing 24-hour  
10 care for children:

11 (1) The facility shall have one or more facility managers.  
12 “Facility manager,” as used in this section, means a person on the  
13 premises with the authority and responsibility necessary to manage  
14 and control the day-to-day operation of a community care facility  
15 and supervise the clients. The facility manager, licensee, and  
16 administrator, or any combination thereof, may be the same person  
17 provided he or she meets all applicable requirements. If the  
18 administrator is also the facility manager for the same facility, this  
19 person shall be limited to the administration and management of  
20 only one facility.

21 (2) The facility manager shall have at least one year of  
22 experience working with the client group served, or equivalent  
23 education or experience, as determined by the department.

24 (3) A facility manager shall be at the facility at all times when  
25 one or more clients are present. To ensure adequate supervision  
26 of clients when clients are at the facility outside of their normal  
27 schedule, a current telephone number where the facility manager  
28 can be reached shall be provided to the clients, licensing agency,  
29 school, and any other agency or person as the department  
30 determines is necessary. The facility manager shall instruct these  
31 agencies and individuals to notify him or her when clients will be  
32 returning to the facility outside of the normal hours.

33 (4) The Legislature intends to upgrade the quality of care in  
34 licensed facilities. For the purposes of Sections 1533 and 1534,  
35 the licensed facility shall be inspected and evaluated for quality  
36 of care at least once each year, without advance notice and as often  
37 as necessary, without advance notice, to ensure the quality of care  
38 being provided.

39 Paragraphs (1), (2), and (3) shall apply only to new facilities  
40 licensed for six or fewer children which apply for a license after

1 January 1, 1985, and all other new facilities licensed for seven or  
2 more children which apply for a license after January 1, 1988.  
3 Existing facilities licensed for seven or more children shall comply  
4 by January 1, 1989.

5 (b) No employee of the state or county employed in the  
6 administration of this chapter or employed in a position that is in  
7 any way concerned with facilities licensed under this chapter shall  
8 hold a license or have a direct or indirect financial interest in a  
9 facility described in subdivision (a).

10 The department, by regulation, shall make the determination  
11 pursuant to the purposes of this section and chapter, as to what  
12 employment is in the administration of this chapter or in any way  
13 concerned with facilities licensed under this chapter and what  
14 financial interest is direct or indirect.

15 This subdivision does not prohibit the state or county from  
16 securing a license for, or operating, a facility that is otherwise  
17 required to be licensed under this chapter.

18 (c) (1) No group home, short-term residential treatment center,  
19 or foster family agency licensee, or employee, member of the board  
20 of directors, or officer of a group home, short-term residential  
21 treatment center, or foster family agency licensee, shall offer gifts  
22 or other remuneration of any type to any employee of the State  
23 Department of Social Services or placement agency that exceeds  
24 the monetary limits for gifts to employees of the State of California  
25 pursuant to Title 9 (commencing with Section 81000) of the  
26 Government Code and regulations adopted thereunder by the Fair  
27 Political Practices Commission.

28 (2) No employee of the department or a placement agency shall  
29 accept any gift or other remuneration of any type from a group  
30 home, short-term residential treatment center, or foster family  
31 agency licensee or employee, member of the board of directors,  
32 or officer of a group home, short-term residential treatment center,  
33 or foster family agency licensee that exceeds the monetary limits  
34 for gifts to employees of the State of California in Title 9  
35 (commencing with Section 81000) of the Government Code and  
36 regulations adopted thereunder by the Fair Political Practices  
37 Commission.

38 (3) Violation of this subdivision is punishable as a misdemeanor.

~~SEC. 16.~~

*SEC. 17.* Section 1522.41 of the Health and Safety Code is amended to read:

1522.41. (a) (1) The department, in consultation and collaboration with county placement officials, group home provider organizations, the Director of Health Care Services, and the Director of Developmental Services, shall develop and establish an administrator certification training program to ensure that administrators of group home facilities have appropriate training to provide the care and services for which a license or certificate is issued.

(2) The department shall develop and establish an administrator certification training program to ensure that administrators of short-term residential treatment center facilities have appropriate training to provide the care and services for which a license or certificate is issued.

(b) (1) In addition to any other requirements or qualifications required by the department, an administrator of a group home or short-term residential treatment center shall successfully complete a specified department-approved training certification program, pursuant to subdivision (c), prior to employment.

(2) In those cases where the individual is both the licensee and the administrator of a facility, the individual shall comply with all of the licensee and administrator requirements of this section.

(3) Failure to comply with this section shall constitute cause for revocation of the license of the facility.

(4) The licensee shall notify the department within 10 days of any change in administrators.

(c) (1) The administrator certification programs for group homes shall require a minimum of 40 hours of classroom instruction that provides training on a uniform core of knowledge in each of the following areas:

(A) Laws, regulations, and policies and procedural standards that impact the operations of the type of facility for which the applicant will be an administrator.

(B) Business operations.

(C) Management and supervision of staff.

(D) Psychosocial and educational needs of the facility residents.

(E) Community and support services.

(F) Physical needs for facility residents.

1 (G) Assistance with self-administration, storage, misuse, and  
2 interaction of medication used by facility residents.

3 (H) Resident admission, retention, and assessment procedures,  
4 including the right of a foster child to have fair and equal access  
5 to all available services, placement, care, treatment, and benefits,  
6 and to not be subjected to discrimination or harassment on the  
7 basis of actual or perceived race, ethnic group identification,  
8 ancestry, national origin, color, religion, sex, sexual orientation,  
9 gender identity, mental or physical disability, or HIV status.

10 (I) Instruction on cultural competency and sensitivity relating  
11 to, and best practices for, providing adequate care to lesbian, gay,  
12 bisexual, and transgender youth in out-of-home care.

13 (J) Nonviolent emergency intervention and reporting  
14 requirements.

15 (K) Basic instruction on the existing laws and procedures  
16 regarding the safety of foster youth at school and the ensuring of  
17 a harassment- and violence-free school environment contained in  
18 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part  
19 19 of Division 1 of Title 1 of the Education Code.

20 (2) The administrator certification programs for short-term  
21 residential treatment centers shall require a minimum of 40 hours  
22 of classroom instruction that provides training on a uniform core  
23 of knowledge in each of the following areas:

24 (A) Laws, regulations, and policies and procedural standards  
25 that impact the operations of the type of facility for which the  
26 applicant will be an administrator.

27 (B) Business operations and management and supervision of  
28 staff, including staff training.

29 (C) Physical and psychosocial needs of the children, including  
30 behavior management, de-escalation techniques, and trauma  
31 informed crisis management planning.

32 (D) ~~Educational~~ *Permanence, well-being, and educational* needs  
33 of the children.

34 (E) Community and support services, including accessing local  
35 behavioral and mental health supports and interventions, *and*  
36 *culturally relevant services*, as appropriate.

37 (F) (i) Authorization, uses, benefits, side effects, interactions,  
38 assistance with self-administration, misuse, documentation, and  
39 storage of ~~medications, and metabolic monitoring of children using~~  
40 medications.

1     (ii) *Metabolic monitoring of children prescribed psychotropic*  
2     *medications.*

3     (G) ~~Admission~~ Admission, retention, and assessment procedures,  
4     including the right of a foster child to have fair and equal access  
5     to all available services, placement, care, treatment, and benefits,  
6     and to not be subjected to discrimination or harassment on the  
7     basis of actual or perceived race, ethnic group identification,  
8     ancestry, national origin, color, religion, sex, sexual orientation,  
9     gender identity, mental or physical disability, or HIV status.

10    (H) Instruction on cultural competency and sensitivity ~~relating~~  
11    ~~to, and related best practices for, for~~ providing adequate care for  
12    ~~children, including, but not limited to, children across diverse~~  
13    ~~ethnic and racial backgrounds, as well as children identifying as~~  
14    ~~lesbian, gay, bisexual, and transgender youth, or transgender.~~

15    (I) Nonviolent emergency intervention and reporting  
16    requirements.

17    (J) Basic instruction on the existing laws and procedures  
18    regarding the safety of foster youth at school and the ensuring of  
19    a harassment- and violence-free school environment contained in  
20    Article 3.6 (commencing with Section 32228) of Chapter 2 of Part  
21    19 of Division 1 of Title 1 of the Education Code.

22    (d) Administrators who possess a valid group home license,  
23    issued by the department, are exempt from completing an approved  
24    initial certification training program and taking a written test,  
25    provided the individual completes 12 hours of classroom instruction  
26    in the following uniform core of knowledge areas:

27    (1) Laws, regulations, and policies and procedural standards  
28    that impact the operations of a short-term residential treatment  
29    center.

30    (2) (A) Authorization, uses, benefits, side effects, interactions,  
31    assistance with self-administration, misuse, documentation, and  
32    storage of ~~medications, and metabolic monitoring of children using~~  
33    medications.

34    (B) *Metabolic monitoring of children prescribed psychotropic*  
35    *medications.*

36    (3) Admission, retention, and assessment procedures, including  
37    the right of a foster child to have fair and equal access to all  
38    available services, placement, care, treatment, and benefits, and  
39    to not be subjected to discrimination or harassment on the basis  
40    of actual or perceived race, ethnic group identification, ancestry,

1 national origin, color, religion, sex, sexual orientation, gender  
2 identity, mental or physical disability, or HIV status.

3 *(4) Instruction on cultural competency and sensitivity and*  
4 *related best practices for providing adequate care for children*  
5 *across diverse ethnic and racial backgrounds, as well as children*  
6 *identifying as lesbian, gay, bisexual, or transgender.*

7 ~~(4)~~

8 (5) Physical and psychosocial needs of the children, including  
9 behavior management, de-escalation techniques, and trauma  
10 informed crisis management planning.

11 (e) Individuals applying for administrator certification under  
12 this section shall successfully complete an approved administrator  
13 certification training program, pass a written test administered by  
14 the department within 60 days of completing the program, and  
15 submit to the department the documentation required by  
16 subdivision (f) within 30 days after being notified of having passed  
17 the test. The department may extend these time deadlines for good  
18 cause. The department shall notify the applicant of his or her test  
19 results within 30 days of administering the test.

20 (f) The department shall not begin the process of issuing a  
21 certificate until receipt of all of the following:

22 (1) A certificate of completion of the administrator training  
23 required pursuant to this chapter.

24 (2) The fee required for issuance of the certificate. A fee of one  
25 hundred dollars (\$100) shall be charged by the department to cover  
26 the costs of processing the application for certification.

27 (3) Documentation from the applicant that he or she has passed  
28 the written test.

29 (4) Submission of fingerprints pursuant to Section 1522. The  
30 department may waive the submission for those persons who have  
31 a current clearance on file.

32 (5) That person is at least 21 years of age.

33 (g) It shall be unlawful for any person not certified under this  
34 section to hold himself or herself out as a certified administrator  
35 of a group home or short-term residential treatment center. Any  
36 person willfully making any false representation as being a certified  
37 administrator or facility manager is guilty of a misdemeanor.

38 (h) (1) Certificates issued under this section shall be renewed  
39 every two years and renewal shall be conditional upon the  
40 certificate holder submitting documentation of completion of 40



1 hours of continuing education related to the core of knowledge  
2 specified in subdivision (c). No more than one-half of the required  
3 40 hours of continuing education necessary to renew the certificate  
4 may be satisfied through online courses. All other continuing  
5 education hours shall be completed in a classroom setting. For  
6 purposes of this section, an individual who is a group home or  
7 short-term residential treatment center administrator and who is  
8 required to complete the continuing education hours required by  
9 the regulations of the State Department of Developmental Services,  
10 and approved by the regional center, may have up to 24 of the  
11 required continuing education course hours credited toward the  
12 40-hour continuing education requirement of this section. The  
13 department shall accept for certification, community college course  
14 hours approved by the regional centers.

15 (2) Every administrator of a group home or short-term residential  
16 treatment center shall complete the continuing education  
17 requirements of this subdivision.

18 (3) Certificates issued under this section shall expire every two  
19 years on the anniversary date of the initial issuance of the  
20 certificate, except that any administrator receiving his or her initial  
21 certification on or after July 1, 1999, shall make an irrevocable  
22 election to have his or her recertification date for any subsequent  
23 recertification either on the date two years from the date of issuance  
24 of the certificate or on the individual's birthday during the second  
25 calendar year following certification. The department shall send  
26 a renewal notice to the certificate holder 90 days prior to the  
27 expiration date of the certificate. If the certificate is not renewed  
28 prior to its expiration date, reinstatement shall only be permitted  
29 after the certificate holder has paid a delinquency fee equal to three  
30 times the renewal fee and has provided evidence of completion of  
31 the continuing education required.

32 (4) To renew a certificate, the certificate holder shall, on or  
33 before the certificate expiration date, request renewal by submitting  
34 to the department documentation of completion of the required  
35 continuing education courses and pay the renewal fee of one  
36 hundred dollars (\$100), irrespective of receipt of the department's  
37 notification of the renewal. A renewal request postmarked on or  
38 before the expiration of the certificate shall be proof of compliance  
39 with this paragraph.

(5) A suspended or revoked certificate shall be subject to expiration as provided for in this section. If reinstatement of the certificate is approved by the department, the certificate holder, as a condition precedent to reinstatement, shall submit proof of compliance with paragraphs (1) and (2) of this subdivision, and shall pay a fee in an amount equal to the renewal fee, plus the delinquency fee, if any, accrued at the time of its revocation or suspension. Delinquency fees, if any, accrued subsequent to the time of its revocation or suspension and prior to an order for reinstatement, shall be waived for a period of 12 months to allow the individual sufficient time to complete the required continuing education units and to submit the required documentation. Individuals whose certificates will expire within 90 days after the order for reinstatement may be granted a three-month extension to renew their certificates during which time the delinquency fees shall not accrue.

(6) A certificate that is not renewed within four years after its expiration shall not be renewed, restored, reissued, or reinstated except upon completion of a certification training program, passing any test that may be required of an applicant for a new certificate at that time, and paying the appropriate fees provided for in this section.

(7) A fee of twenty-five dollars (\$25) shall be charged for the reissuance of a lost certificate.

(8) A certificate holder shall inform the department of his or her employment status and change of mailing address within 30 days of any change.

(i) Unless otherwise ordered by the department, the certificate shall be considered forfeited under either of the following conditions:

(1) The department has revoked any license held by the administrator after the department issued the certificate.

(2) The department has issued an exclusion order against the administrator pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, after the department issued the certificate, and the administrator did not appeal the exclusion order or, after the appeal, the department issued a decision and order that upheld the exclusion order.

(j) (1) The department, in consultation and collaboration with county placement officials, provider organizations, the State

1 Department of Health Care Services, and the State Department of  
2 Developmental Services, shall establish, by regulation, the program  
3 content, the testing instrument, the process for approving  
4 administrator certification training programs, and criteria to be  
5 used in authorizing individuals, organizations, or educational  
6 institutions to conduct certification training programs and  
7 continuing education courses. The department may also grant  
8 continuing education hours for continuing courses offered by  
9 accredited educational institutions that are consistent with the  
10 requirements in this section. The department may deny vendor  
11 approval to any agency or person in any of the following  
12 circumstances:

13 (A) The applicant has not provided the department with evidence  
14 satisfactory to the department of the ability of the applicant to  
15 satisfy the requirements of vendorization set out in the regulations  
16 adopted by the department.

17 (B) The applicant person or agency has a conflict of interest in  
18 that the person or agency places its clients in group homes or  
19 short-term residential treatment centers.

20 (C) The applicant public or private agency has a conflict of  
21 interest in that the agency is mandated to place clients in group  
22 homes or short-term residential treatment centers and to pay  
23 directly for the services. The department may deny vendorization  
24 to this type of agency only as long as there are other vendor  
25 programs available to conduct the certification training programs  
26 and conduct education courses.

27 (2) The department may authorize vendors to conduct the  
28 administrator's certification training program pursuant to this  
29 section. The department shall conduct the written test pursuant to  
30 regulations adopted by the department.

31 (3) The department shall prepare and maintain an updated list  
32 of approved training vendors.

33 (4) The department may inspect administrator certification  
34 training programs and continuing education courses, including  
35 online courses, at no charge to the department, to determine if  
36 content and teaching methods comply with regulations. If the  
37 department determines that any vendor is not complying with the  
38 requirements of this section, the department shall take appropriate  
39 action to bring the program into compliance, which may include  
40 removing the vendor from the approved list.

1 (5) The department shall establish reasonable procedures and  
2 timeframes not to exceed 30 days for the approval of vendor  
3 training programs.

4 (6) The department may charge a reasonable fee, not to exceed  
5 one hundred fifty dollars (\$150) every two years, to certification  
6 program vendors for review and approval of the initial 40-hour  
7 training program pursuant to subdivision (c). The department may  
8 also charge the vendor a fee, not to exceed one hundred dollars  
9 (\$100) every two years, for the review and approval of the  
10 continuing education courses needed for recertification pursuant  
11 to this subdivision.

12 (7) (A) A vendor of online programs for continuing education  
13 shall ensure that each online course contains all of the following:

14 (i) An interactive portion in which the participant receives  
15 feedback, through online communication, based on input from the  
16 participant.

17 (ii) Required use of a personal identification number or personal  
18 identification information to confirm the identity of the participant.

19 (iii) A final screen displaying a printable statement, to be signed  
20 by the participant, certifying that the identified participant  
21 completed the course. The vendor shall obtain a copy of the final  
22 screen statement with the original signature of the participant prior  
23 to the issuance of a certificate of completion. The signed statement  
24 of completion shall be maintained by the vendor for a period of  
25 three years and be available to the department upon demand. Any  
26 person who certifies as true any material matter pursuant to this  
27 clause that he or she knows to be false is guilty of a misdemeanor.

28 (B) Nothing in this subdivision shall prohibit the department  
29 from approving online programs for continuing education that do  
30 not meet the requirements of subparagraph (A) if the vendor  
31 demonstrates to the department's satisfaction that, through  
32 advanced technology, the course and the course delivery meet the  
33 requirements of this section.

34 (k) The department shall establish a registry for holders of  
35 certificates that shall include, at a minimum, information on  
36 employment status and criminal record clearance.

37 (l) Notwithstanding any provision of law to the contrary, vendors  
38 approved by the department who exclusively provide either initial  
39 or continuing education courses for certification of administrators  
40 of a group home or short-term residential treatment center as

1 defined by regulations of the department, an adult residential  
2 facility as defined by regulations of the department, or a residential  
3 care facility for the elderly as defined in subdivision (k) of Section  
4 1569.2, shall be regulated solely by the department pursuant to  
5 this chapter. No other state or local governmental entity shall be  
6 responsible for regulating the activity of those vendors.

7 ~~SEC. 17.~~

8 *SEC. 18.* Section 1522.43 of the Health and Safety Code is  
9 amended to read:

10 1522.43. (a) (1) For the duties the department imposes on a  
11 group home administrator or short-term residential treatment center  
12 administrator in this chapter and in regulations adopted by the  
13 department, every group home and short-term residential treatment  
14 center shall state in its plan of operation, the number of hours per  
15 week that the administrator shall spend completing those duties  
16 and how the group home administrator or short-term residential  
17 treatment center administrator shall accomplish those duties,  
18 including use of support personnel.

19 (2) For initial applicants, the information in paragraph (1) shall  
20 be contained in the plan of operation submitted to the department  
21 in the application.

22 (3) For current licensees, the licensee shall submit an amended  
23 plan of operation that contains the information required by  
24 paragraph (1) within six months of the effective date of this section.  
25 For changes in the group home administrator duties imposed by  
26 the department in this chapter or in regulations, a current licensee  
27 shall have six months after the effective date of those duties to  
28 submit an amended plan of operation to reflect the new  
29 administrator duties.

30 (b) (1) The department may review a group home's or  
31 short-term residential treatment center's plan of operation to  
32 determine if the plan of operation is sufficient to ensure that the  
33 facility will operate in compliance with applicable licensing laws  
34 and regulations. As part of the review, the department may request  
35 that a peer review panel review the plan of operation for a group  
36 home as prescribed in paragraph (2), or for a short-term residential  
37 treatment center as prescribed in paragraph (3).

38 (2) The peer review panel shall consist of two representatives  
39 from the department, including one from the unit that governs  
40 programs and one from the unit that governs licensing, a qualified

1 group home administrator, an experienced group home provider  
2 in good standing, and a member or members from the placement  
3 agency or agencies that place children in group homes, and may  
4 also include the local county behavioral health department, as  
5 appropriate.

6 (3) The peer review panel shall consist of two representatives  
7 from the department, including one from the unit that governs  
8 programs and one from the unit that governs licensing, a qualified  
9 short-term residential treatment center administrator, a short-term  
10 residential treatment center provider in good standing, and a  
11 member or members from the placement agency or agencies that  
12 place children in short-term residential treatment centers, and may  
13 also include the local county behavioral health department, as  
14 appropriate.

15 (c) A group home or short-term residential treatment center  
16 shall develop a daily schedule of activities for the children at the  
17 facility. The facility shall have this schedule available for  
18 inspection by the department. The activities in which the children  
19 are scheduled to participate shall be designed to meet the needs of  
20 the individual child, and shall be based on that child's needs and  
21 services plan.

22 (d) The department shall establish a process, no later than  
23 January 1, 2017, for convening the peer review panel ~~as needed~~  
24 ~~to address complaints or other concerns that may arise in the~~  
25 ~~operation of the~~ *as set forth in subdivision (b) for review of the*  
26 *plans of operation for* short-term residential treatment centers, and  
27 shall develop this process in consultation with the County Welfare  
28 Directors ~~Association, Association of California~~, Chief Probation  
29 Officers of California, County Behavioral Health Directors  
30 ~~Association, Association of California~~, and stakeholders.

31 ~~SEC. 18.~~

32 *SEC. 19.* Section 1524.6 of the Health and Safety Code is  
33 amended to read:

34 1524.6. (a) In addition to any other requirement of this chapter,  
35 any group home or short-term residential treatment center, as  
36 defined by regulations of the department, providing care for any  
37 number of persons, that is not already subject to the requirements  
38 of Section 1524.5, shall provide a procedure approved by the  
39 licensing agency for immediate response to incidents and  
40 complaints, as defined by regulations of the department. This

1 procedure shall include a method of ensuring that the owner,  
2 licensee, or person designated by the owner or licensee is notified  
3 of the incident or complaint, that the owner, licensee, or person  
4 designated by the owner or licensee has personally investigated  
5 the matter, and that the person making the complaint or reporting  
6 the incident has received a written response, within 30 days of  
7 receiving the complaint, of action taken, or a reason why no action  
8 needs to be taken.

9 (b) In order to ensure the opportunity for complaints to be made  
10 directly to the owner, licensee, or person designated by the owner  
11 or licensee, and to provide the opportunity for the owner, licensee,  
12 or person designated by the owner or licensee to meet  
13 neighborhood residents and learn of problems in the neighborhood,  
14 any group home or short-term residential treatment center shall  
15 establish a fixed time on a periodic basis when the owner, licensee,  
16 or person designated by the owner or licensee will be present. At  
17 this fixed time, information shall be provided to neighborhood  
18 residents of the complaint procedure pursuant to Section 1538.

19 (c) Facilities shall establish procedures to comply with the  
20 requirements of this section on or before July 1, 2005.

21 (d) This section shall not apply to family homes certified by  
22 foster family agencies, foster family homes, and small family  
23 homes. It is not the intent of the Legislature that this section be  
24 applied in a way that is contrary to the child's best interests.

25 ~~SEC. 19.~~

26 *SEC. 20.* Section 1525.5 of the Health and Safety Code is  
27 amended to read:

28 1525.5. (a) The department may issue provisional licenses to  
29 operate community care facilities for facilities which the director  
30 determines are in substantial compliance with the provisions of  
31 this chapter and the rules and regulations adopted pursuant thereto,  
32 provided, that no life safety risks are involved, as determined by  
33 the director. In determining whether any life safety risks are  
34 involved, the director shall require completion of all applicable  
35 fire clearances and criminal record clearances as otherwise required  
36 by the department's rules and regulations. The provisional license  
37 shall expire six months from the date of issuance, or at any earlier  
38 time as the director may determine, and may not be renewed.  
39 However, the director may extend the term of a provisional license  
40 for an additional six months at time of application, if it is

1 determined that more than six months will be required to achieve  
2 full compliance with licensing standards due to circumstances  
3 beyond the control of the applicant, provided all other requirements  
4 for a license have been met.

5 (b) This section shall not apply to foster family homes.

6 (c) ~~At the time of its review pursuant to the requirements of this~~  
7 ~~code,~~ *Notwithstanding subdivision (a),* the department may extend  
8 the term of a provisional license *issued to a foster family agency,*  
9 not to exceed two years, ~~only~~ if it determines that this additional  
10 time is required to secure accreditation from an entity identified  
11 by the department pursuant to ~~the accreditation process described~~  
12 ~~in paragraph (8) of subdivision (b) of Section 11462 11463 of the~~  
13 Welfare and Institutions Code and provided that all other  
14 requirements for a license have been met.

15 ~~SEC. 20.~~

16 *SEC. 21.* Section 1529.2 of the Health and Safety Code is  
17 amended to read:

18 1529.2. (a) In addition to the foster parent training provided  
19 by community colleges, foster family agencies shall provide a  
20 program of training for their certified foster families.

21 (b) (1) Every licensed foster parent shall complete a minimum  
22 of 12 hours of foster parent training, as prescribed in paragraph  
23 (3), before the placement of any foster children with the foster  
24 parent. In addition, a foster parent shall complete a minimum of  
25 eight hours of foster parent training annually, as prescribed in  
26 paragraph (4). No child shall be placed in a foster family home  
27 unless these requirements are met by the persons in the home who  
28 are serving as the foster parents.

29 (2) (A) Upon the request of the foster parent for a hardship  
30 waiver from the postplacement training requirement or a request  
31 for an extension of the deadline, the county may, at its option, on  
32 a case-by-case basis, waive the postplacement training requirement  
33 or extend any established deadline for a period not to exceed one  
34 year, if the postplacement training requirement presents a severe  
35 and unavoidable obstacle to continuing as a foster parent. Obstacles  
36 for which a county may grant a hardship waiver or extension are:

- 37 (i) Lack of access to training due to the cost or travel required.  
38 (ii) Family emergency.



1 (B) Before a waiver or extension may be granted, the foster  
2 parent should explore the opportunity of receiving training by  
3 video or written materials.

4 (3) The initial preplacement training shall include, but not be  
5 limited to, training courses that cover all of the following:

6 (A) An overview of the child protective and probation systems.

7 (B) The effects of trauma, including grief and loss, and child  
8 abuse and neglect on child development, and methods to  
9 behaviorally support children impacted by that trauma.

10 (C) Positive discipline and the importance of self-esteem.

11 (D) Health issues in foster care, including, but not limited to,  
12 the authorization, uses, risks, benefits, assistance with  
13 self-administration, oversight, and monitoring of psychotropic or  
14 other medications, and trauma, ~~behavioral health, and other~~  
15 ~~behavioral health~~ *mental health, and substance use disorder*  
16 *treatments, for children receiving child welfare services, in foster*  
17 *care under the jurisdiction of the juvenile court, including how to*  
18 *access those treatments.*

19 (E) Accessing education and health services available to foster  
20 children.

21 (F) The right of a foster child to have fair and equal access to  
22 all available services, placement, care, treatment, and benefits, and  
23 to not be subjected to discrimination or harassment on the basis  
24 of actual or perceived race, ethnic group identification, ancestry,  
25 national origin, color, religion, sex, sexual orientation, gender  
26 identity, mental or physical disability, or HIV status.

27 (G) Instruction on cultural competency and sensitivity ~~relating~~  
28 ~~to, and and related best practices for, for~~ *providing adequate care*  
29 *to for children across diverse ethnic and racial backgrounds, as*  
30 *well as children identifying as lesbian, gay, bisexual, and*  
31 ~~transgender youth in out-of-home care. or transgender.~~

32 (H) Basic instruction on the existing laws and procedures  
33 regarding the safety of foster youth at school and the ensuring of  
34 a harassment- and violence-free school environment contained in  
35 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part  
36 19 of Division 1 of Title 1 of the Education Code.

37 (4) The postplacement annual training shall include, but not be  
38 limited to, training courses that cover all of the following:

39 (A) Age-appropriate child development.

40 (B) Health issues in foster care.

1 (C) Positive discipline and the importance of self-esteem.

2 (D) Emancipation and independent living skills if a foster parent  
3 is caring for youth.

4 (E) The right of a foster child to have fair and equal access to  
5 all available services, placement, care, treatment, and benefits, and  
6 to not be subjected to discrimination or harassment on the basis  
7 of actual or perceived race, ethnic group identification, ancestry,  
8 national origin, color, religion, sex, sexual orientation, gender  
9 identity, mental or physical disability, or HIV status.

10 (F) Instruction on cultural competency and sensitivity relating  
11 to, and best practices for, providing adequate care to lesbian, gay,  
12 bisexual, and transgender youth in out-of-home care.

13 (5) Foster parent training may be attained through a variety of  
14 sources, including community colleges, counties, hospitals, foster  
15 parent associations, the California State Foster Parent Association's  
16 Conference, adult schools, and certified foster parent instructors.

17 (6) A candidate for placement of foster children shall submit a  
18 certificate of training to document completion of the training  
19 requirements. The certificate shall be submitted with the initial  
20 consideration for placements and provided at the time of the annual  
21 visit by the licensing agency thereafter.

22 (c) In addition to any training required by this section, a foster  
23 parent may be required to receive specialized training, as relevant,  
24 for the purpose of preparing the foster parent to meet the needs of  
25 a particular child in care. This training may include, but is not  
26 limited to, the following:

27 (1) Understanding how to use best practices for providing care  
28 and supervision to commercially sexually exploited children.

29 (2) Understanding ~~how to~~ *cultural needs of children, including,*  
30 *but not limited to, cultural competency and sensitivity and related*  
31 *use best practices for providing adequate care and supervision to*  
32 *children across diverse ethnic and racial backgrounds, as well as*  
33 *children identifying as lesbian, gay, bisexual, and transgender*  
34 ~~children. or transgender.~~

35 (3) Understanding the requirements and best practices regarding  
36 psychotropic medications, including, but not limited to, court  
37 authorization, benefits, uses, side effects, interactions, assistance  
38 with self-administration, misuse, documentation, storage, and  
39 metabolic monitoring of children ~~using~~ *prescribed psychotropic*  
40 *medications.*

1 (4) Understanding the federal Indian Child Welfare Act, its  
2 historical significance, the rights of children covered by the act,  
3 and the best interests of those children, including the role of the  
4 caregiver in supporting culturally appropriate, child-centered  
5 practices that respect Native American history, culture, retention  
6 of tribal membership and connection to the tribal community and  
7 traditions.

8 (5) Understanding how to use best practices for providing care  
9 and supervision to nonminor dependents.

10 (6) Understanding how to use best practices for providing care  
11 and supervision to ~~medically fragile children~~ *children with special*  
12 *health care needs*.

13 (d) Nothing in this section shall preclude a county from requiring  
14 county-provided preplacement or postplacement foster parent  
15 training in excess of the requirements in this section.

16 (e) This section shall remain in effect only until January 1, 2017,  
17 and as of that date is repealed, unless a later enacted statute, that  
18 is enacted before January 1, 2017, deletes or extends that date.

19 ~~SEC. 21.~~

20 *SEC. 22.* Section 1529.2 is added to the Health and Safety  
21 Code, to read:

22 1529.2. (a) It is the intent of the Legislature that all foster  
23 parents have the necessary knowledge, skills, and abilities to  
24 support the safety, permanency, and well-being of children in foster  
25 care. Initial and ongoing preparation and training of foster parents  
26 should support the foster parent's role in parenting vulnerable  
27 children, youth, and young adults, including supporting the  
28 children's connection with their families. Their training should be  
29 ongoing in order to provide foster parents with information on new  
30 practices and requirements and other helpful topics within the child  
31 welfare and probation systems and may be offered in a classroom  
32 setting, online, or individually.

33 (b) A licensed or certified foster parent shall complete a  
34 minimum of eight training hours annually, a portion of which shall  
35 be from one or more of the following topics, as prescribed by the  
36 department, pursuant to subdivision (a):

37 (1) Age-appropriate child and adolescent development.

38 (2) Health issues in foster care, including, but not limited to,  
39 the authorization, uses, risks, benefits, assistance with  
40 self-administration, oversight, and monitoring of psychotropic or

1 other medications, and trauma, ~~behavioral health, and other~~  
2 ~~available behavioral health treatments, for children receiving child~~  
3 ~~welfare services; mental health, and substance use disorder~~  
4 ~~treatments for children in foster care under the jurisdiction of the~~  
5 ~~juvenile court, including how to access those treatments.~~

6 (3) Positive discipline and the importance of self-esteem.

7 (4) Preparation of children for a successful transition to  
8 adulthood.

9 (5) The right of a foster child to have fair and equal access to  
10 all available services, placement, care, treatment, and benefits, and  
11 to not be subjected to discrimination or harassment on the basis  
12 of actual or perceived race, ethnic group identification, ancestry,  
13 national origin, color, religion, sex, sexual orientation, gender  
14 identity, mental or physical disability, or HIV status.

15 (6) Instruction on cultural competency and sensitivity ~~relating~~  
16 ~~to, and and related best practices for, for~~ providing adequate care  
17 ~~to for children across diverse ethnic and racial backgrounds, as~~  
18 ~~well as children identifying as lesbian, gay, bisexual, and~~  
19 ~~transgender youth in out-of-home care. or transgender.~~

20 (c) In addition to any training required by this section, a foster  
21 parent may be required to receive specialized training, as relevant,  
22 for the purpose of preparing the foster parent to meet the needs of  
23 a particular child in care. This training may include, but is not  
24 limited to, the following:

25 (1) Understanding how to use best practices for providing care  
26 and supervision to commercially sexually exploited children.

27 (2) Understanding ~~how to use~~ *cultural needs of children,*  
28 *including, but not limited to, cultural competency and sensitivity*  
29 *and related best practices for providing adequate care and*  
30 *supervision to children across diverse ethnic and racial*  
31 *backgrounds, as well as children identifying as lesbian, gay,*  
32 *bisexual, and transgender children. or transgender.*

33 (3) Understanding the requirements and best practices regarding  
34 psychotropic medications, including, but not limited to, court  
35 authorization, benefits, uses, side effects, interactions, assistance  
36 with self-administration, misuse, documentation, storage, and  
37 metabolic monitoring of children ~~using prescribed psychotropic~~  
38 ~~medications.~~

39 (4) Understanding the Indian Child Welfare Act, its historical  
40 significance, the rights of children covered by the act, and the best

1 interests of Native American children, including the role of the  
2 caregiver in supporting culturally appropriate, child-centered  
3 practices that respect Native American history, culture, retention  
4 of tribal membership and connection to the tribal community and  
5 traditions.

6 (5) Understanding how to use best practices for providing care  
7 and supervision to nonminor dependents.

8 (6) Understanding how to use best practices for providing care  
9 and supervision to ~~medically fragile children~~ *children with special*  
10 *health care needs*.

11 (d) No child shall be placed with a foster parent unless each  
12 foster parent in the home meets the requirements of this section.

13 (e) (1) Upon the request of the licensed or certified foster parent  
14 for a hardship waiver from the annual training requirement or a  
15 request for an extension of the deadline, the county may, at its  
16 option, on a case-by-case basis, waive the training requirement or  
17 extend any established deadline for a period not to exceed one  
18 year, if the training requirement presents a severe and unavoidable  
19 obstacle to continuing as a foster parent.

20 (2) Obstacles for which a county may grant a hardship waiver  
21 or extension are:

22 (A) Lack of access to training due to the cost or travel required  
23 or lack of child care to participate in the training, when online  
24 resources are not available.

25 (B) Family emergency.

26 (3) Before a waiver or extension may be granted, the licensed  
27 or certified foster parent should explore the opportunity of  
28 receiving training online or by video or written materials.

29 (f) (1) Foster parent training may be obtained through sources  
30 that include, but are not necessarily limited to, community colleges,  
31 counties, hospitals, foster parent associations, the California State  
32 Foster Parent Association's Conference, online resources, adult  
33 schools, and certified foster parent instructors.

34 (2) In addition to the foster parent training provided by  
35 community colleges, foster family agencies shall provide a program  
36 of training for their certified foster families.

37 (g) (1) Training certificates shall be submitted to the appropriate  
38 licensing or foster family agency.

39 (2) Upon completion, a licensed or certified parent shall submit  
40 a certificate of completion for the annual training requirements.

1 (h) Nothing in this section shall preclude a county or a foster  
2 family agency from requiring foster parent training in excess of  
3 the requirements in this section.

4 (i) This section shall become operative on January 1, 2017.

5 ~~SEC. 22.~~

6 *SEC. 23.* Section 1530.7 of the Health and Safety Code is  
7 amended to read:

8 1530.7. (a) Group homes, short-term residential treatment  
9 centers, foster family agencies, small family homes, transitional  
10 housing placement providers, and crisis nurseries licensed pursuant  
11 to this chapter shall maintain a smoke-free environment in the  
12 facility.

13 (b) A person who is licensed or certified pursuant to this chapter  
14 to provide residential care in a foster family home or certified  
15 family home shall not smoke or permit any other person to smoke  
16 inside the facility, and, when the child is present, on the outdoor  
17 grounds of the facility.

18 (c) A person who is licensed or certified pursuant to this chapter  
19 to provide residential foster care shall not smoke in any motor  
20 vehicle that is regularly used to transport the child.

21 ~~SEC. 23.~~

22 *SEC. 24.* Section 1530.8 of the Health and Safety Code is  
23 amended to read:

24 1530.8. (a) (1) The department shall adopt regulations for  
25 community care facilities licensed as group homes, and for  
26 temporary shelter care facilities as defined in subdivision (c), that  
27 care for dependent children, children placed by a regional center,  
28 or voluntary placements, who are younger than six years of age.  
29 The department shall adopt regulations that apply to short-term  
30 residential treatment centers that care for children younger than  
31 six years of age. The regulations shall include the standards set  
32 forth in subdivision (c) of Section 11467.1 of the Welfare and  
33 Institutions Code.

34 (2) The department shall adopt regulations under this section  
35 that apply to minor parent programs serving children younger than  
36 six years of age who reside in a group home with a minor parent  
37 who is the primary caregiver of the child. The department shall  
38 adopt regulations under this section that apply to short-term  
39 residential treatment centers that provide minor parent programs  
40 serving children younger than six years of age.

1 (3) To the extent that the department determines they are  
2 necessary, the department shall adopt regulations under this section  
3 that apply to group homes or short-term residential treatment  
4 centers that care for dependent children who are 6 to 12 years of  
5 age, inclusive. In order to determine whether such regulations are  
6 necessary, and what any resulting standards should include, the  
7 department shall consult with interested parties that include, but  
8 are not limited to, representatives of current and former foster  
9 youth, advocates for children in foster care, county welfare and  
10 mental health directors, chief probation officers, representatives  
11 of care providers, experts in child development, and representatives  
12 of the Legislature. The standards may provide normative guidelines  
13 differentiated by the needs specific to children in varying age  
14 ranges that fall between 6 and 12 years of age, inclusive. Prior to  
15 adopting regulations, the department shall submit for public  
16 comment, by July 1, 2016, any proposed regulations.

17 (b) The regulations shall include physical environment standards,  
18 including staffing and health and safety requirements, that meet  
19 or exceed state child care standards under Title 5 and Title 22 of  
20 the California Code of Regulations.

21 (c) For purposes of this section, a “temporary shelter care  
22 facility” means any residential facility that meets all of the  
23 following requirements:

24 (1) It is owned and operated by the county or on behalf of a  
25 county by a private, nonprofit agency.

26 (2) It is a 24-hour facility that provides no more than 10 calendar  
27 days of residential care and supervision for children under 18 years  
28 of age who have been removed from their homes as a result of  
29 abuse or neglect, as defined in Section 300 of the Welfare and  
30 Institutions Code, or both.

31 (d) (1) The department may license a temporary shelter care  
32 facility pursuant to this chapter on or after January 1, 2016. A  
33 temporary shelter care license may be issued only to a county  
34 operating a licensed group home, or to an agency on behalf of a  
35 county, as of January 1, 2016.

36 (2) The department shall consult with counties that operate these  
37 shelters as licensed group homes to develop a transition plan for  
38 the development of temporary shelter care facilities to address the  
39 unique circumstances and needs of the populations they serve,

1 while remaining consistent with the principles of the act that added  
2 this subdivision.

3 (3) These transition plans shall describe circumstances under  
4 which children will be admitted for a period in excess of 24 hours  
5 and reflect necessary staffing levels or staffing transitions.

6 (e) (1) A group home license issued to a county will be forfeited  
7 by operation of law upon receipt of a license to operate a temporary  
8 shelter care facility as described in Section 11462.022 of the  
9 Welfare and Institutions Code.

10 (2) Nothing in this subdivision shall preclude a county from  
11 applying for and being licensed as a short-term residential treatment  
12 center pursuant to Section 1562.01 or a runaway and homeless  
13 youth shelter pursuant to Section 1502.35, or a foster family agency  
14 as authorized by subdivision (b) of Section 11462.02 of the Welfare  
15 and Institutions Code.

16 ~~SEC. 24.~~

17 *SEC. 25.* Section 1531.1 of the Health and Safety Code is  
18 amended to read:

19 1531.1. (a) A residential facility licensed as an adult residential  
20 facility, group home, short-term residential treatment center, small  
21 family home, foster family home, or a family home certified by a  
22 foster family agency may install and utilize delayed egress devices  
23 of the time delay type.

24 (b) As used in this section, “delayed egress device” means a  
25 device that precludes the use of exits for a predetermined period  
26 of time. These devices shall not delay any resident’s departure  
27 from the facility for longer than 30 seconds.

28 (c) Within the 30 seconds of delay, facility staff may attempt  
29 to redirect a resident who attempts to leave the facility.

30 (d) Any person accepted by a residential facility or family home  
31 certified by a foster family agency utilizing delayed egress devices  
32 shall meet all of the following conditions:

33 (1) The person shall have a developmental disability as defined  
34 in Section 4512 of the Welfare and Institutions Code.

35 (2) The person shall be receiving services and case management  
36 from a regional center under the Lanterman Developmental  
37 Disabilities Services Act (Division 4.5 (commencing with Section  
38 4500) of the Welfare and Institutions Code).

39 (3) An interdisciplinary team, through the Individual Program  
40 Plan (IPP) process pursuant to Section 4646.5 of the Welfare and



1 Institutions Code, shall have determined that the person lacks  
2 hazard awareness or impulse control and requires the level of  
3 supervision afforded by a facility equipped with delayed egress  
4 devices, and that but for this placement, the person would be at  
5 risk of admission to, or would have no option but to remain in, a  
6 more restrictive state hospital or state developmental center  
7 placement.

8 (e) The facility shall be subject to all fire and building codes,  
9 regulations, and standards applicable to residential care facilities  
10 for the elderly utilizing delayed egress devices, and shall receive  
11 approval by the county or city fire department, the local fire  
12 prevention district, or the State Fire Marshal for the installed  
13 delayed egress devices.

14 (f) The facility shall provide staff training regarding the use and  
15 operation of the egress control devices utilized by the facility,  
16 protection of residents' personal rights, lack of hazard awareness  
17 and impulse control behavior, and emergency evacuation  
18 procedures.

19 (g) The facility shall develop a plan of operation approved by  
20 the State Department of Social Services that includes a description  
21 of how the facility is to be equipped with egress control devices  
22 that are consistent with regulations adopted by the State Fire  
23 Marshal pursuant to Section 13143.

24 (h) The plan shall include, but shall not be limited to, all of the  
25 following:

26 (1) A description of how the facility will provide training for  
27 staff regarding the use and operation of the egress control devices  
28 utilized by the facility.

29 (2) A description of how the facility will ensure the protection  
30 of the residents' personal rights consistent with Sections 4502,  
31 4503, and 4504 of the Welfare and Institutions Code.

32 (3) A description of how the facility will manage the person's  
33 lack of hazard awareness and impulse control behavior.

34 (4) A description of the facility's emergency evacuation  
35 procedures.

36 (i) Delayed egress devices shall not substitute for adequate staff.  
37 Except for facilities operating in accordance with Section 1531.15,  
38 the capacity of the facility shall not exceed six residents.

(j) Emergency fire and earthquake drills shall be conducted at least once every three months on each shift, and shall include all facility staff providing resident care and supervision on each shift.

~~SEC. 25.~~

SEC. 26. Section 1531.15 of the Health and Safety Code is amended to read:

1531.15. (a) A licensee of an adult residential facility, short-term residential treatment center, or group home for no more than six residents, except for the larger facilities provided for in paragraph (1) of subdivision (k), that is utilizing delayed egress devices pursuant to Section 1531.1, may install and utilize secured perimeters in accordance with the provisions of this section.

(b) As used in this section, “secured perimeters” means fences that meet the requirements prescribed by this section.

(c) Only individuals meeting all of the following conditions may be admitted to or reside in a facility described in subdivision

(a) utilizing secured perimeters:

(1) The person shall have a developmental disability as defined in Section 4512 of the Welfare and Institutions Code.

(2) The person shall be receiving services and case management from a regional center under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code).

(3) (A) The person shall be 14 years of age or older, except as specified in subparagraph (B).

(B) Notwithstanding subparagraph (A), a child who is at least 10 years of age and less than 14 years of age may be placed in a licensed group home described in subdivision (a) using secured perimeters only if both of the following occur:

(i) A comprehensive assessment is conducted and an individual program plan meeting is convened to determine the services and supports needed for the child to receive services in a less restrictive, unlocked residential setting in California, and the regional center requests assistance from the State Department of Developmental Services’ statewide specialized resource service to identify options to serve the child in a less restrictive, unlocked residential setting in California.

(ii) The regional center requests placement of the child in a licensed group home described in subdivision (a) using secured perimeters on the basis that the placement is necessary to prevent

1 out-of-state placement or placement in a more restrictive, locked  
2 residential setting such as a developmental center, institution for  
3 mental disease or psychiatric facility, and the State Department of  
4 Developmental Services approves the request.

5 (4) The person is not a foster child under the jurisdiction of the  
6 juvenile court pursuant to Section 300, 450, 601, or 602 of the  
7 Welfare and Institutions Code.

8 (5) (A) An interdisciplinary team, through the individual  
9 program plan (IPP) process pursuant to Section 4646.5 of the  
10 Welfare and Institutions Code, shall have determined the person  
11 lacks hazard awareness or impulse control and, for his or her safety  
12 and security, requires the level of supervision afforded by a facility  
13 equipped with secured perimeters, and, but for this placement, the  
14 person would be at risk of admission to, or would have no option  
15 but to remain in, a more restrictive placement. The individual  
16 program planning team shall convene every 90 days after admission  
17 to determine and document the continued appropriateness of the  
18 current placement and progress in implementing the transition  
19 plan.

20 (B) The clients' rights advocate for the regional center shall be  
21 notified of the proposed admission and the individual program  
22 plan meeting and may participate in the individual program plan  
23 meeting unless the consumer objects on his or her own behalf.

24 (d) The licensee shall be subject to all applicable fire and  
25 building codes, regulations, and standards, and shall receive  
26 approval by the county or city fire department, the local fire  
27 prevention district, or the State Fire Marshal for the installed  
28 secured perimeters.

29 (e) The licensee shall provide staff training regarding the use  
30 and operation of the secured perimeters, protection of residents'  
31 personal rights, lack of hazard awareness and impulse control  
32 behavior, and emergency evacuation procedures.

33 (f) The licensee shall revise its facility plan of operation. These  
34 revisions shall first be approved by the State Department of  
35 Developmental Services. The plan of operation shall not be  
36 approved by the State Department of Social Services unless the  
37 licensee provides certification that the plan was approved by the  
38 State Department of Developmental Services. The plan shall  
39 include, but not be limited to, all of the following:

1 (1) A description of how the facility is to be equipped with  
2 secured perimeters that are consistent with regulations adopted by  
3 the State Fire Marshal pursuant to Section 13143.6.

4 (2) A description of how the facility will provide training for  
5 staff.

6 (3) A description of how the facility will ensure the protection  
7 of the residents' personal rights consistent with Sections 4502,  
8 4503, and 4504 of the Welfare and Institutions Code, and any  
9 applicable personal rights provided in Title 22 of the California  
10 Code of Regulations.

11 (4) A description of how the facility will manage residents' lack  
12 of hazard awareness and impulse control behavior, which shall  
13 emphasize positive behavioral supports and techniques that are  
14 alternatives to physical, chemical, or mechanical restraints, or  
15 seclusion.

16 (5) A description of the facility's emergency evacuation  
17 procedures.

18 (6) A description of how the facility will comply with applicable  
19 health and safety standards.

20 (g) Secured perimeters shall not substitute for adequate staff.

21 (h) Emergency fire and earthquake drills shall be conducted on  
22 each shift in accordance with existing licensing requirements, and  
23 shall include all facility staff providing resident care and  
24 supervision on each shift.

25 (i) Interior and exterior space shall be available on the facility  
26 premises to permit clients to move freely and safely.

27 (j) For the purpose of using secured perimeters, the licensee  
28 shall not be required to obtain a waiver or exception to a regulation  
29 that would otherwise prohibit the locking of a perimeter fence or  
30 gate.

31 (k) Except as provided in subdivision (k) of Section 4684.81 of  
32 the Welfare and Institutions Code, the state shall not authorize or  
33 fund more than a combined total of 150 beds statewide in facilities  
34 with secured perimeters under this section and under Section  
35 1267.75. The department shall notify the appropriate fiscal and  
36 policy committees of the Legislature through the January and May  
37 budget estimates prior to authorizing an increase above a combined  
38 total of 100 beds statewide in facilities with secured perimeters  
39 under this section and under Section 1267.75.

1 (1) A minimum of 50 beds shall be available within programs  
2 designed for individuals who are designated incompetent to stand  
3 trial pursuant to Section 1370.1 of the Penal Code. These beds  
4 shall be within facilities that are exclusively used to provide care  
5 for individuals who are placed and participating in forensic  
6 competency training pursuant to Section 1370.1 of the Penal Code,  
7 except as provided in paragraph (2). No more than half of these  
8 facilities may have more than six beds and no facility may have  
9 more than 15 beds.

10 (2) When, in the joint determination of the regional center and  
11 the facility administrator, an individual would be most  
12 appropriately served in a specific program, regardless of whether  
13 the facility meets the criteria established in paragraph (1),  
14 individuals who are not similarly designated may be placed in the  
15 same facility. That placement may occur only when the individual's  
16 planning team determines that the placement and the facility plan  
17 of operation meet the individual's needs and that placement is not  
18 incompatible with the needs and safety of other facility residents.

19 (l) This section shall become operative only upon the publication  
20 in Title 17 of the California Code of Regulations of emergency  
21 regulations filed by the State Department of Developmental  
22 Services. These regulations shall be developed with stakeholders,  
23 including the State Department of Social Services, consumer  
24 advocates, and regional centers. The regulations shall establish  
25 program standards for homes that include secured perimeters,  
26 including requirements and timelines for the completion and  
27 updating of a comprehensive assessment of each consumer's needs,  
28 including the identification through the individual program plan  
29 process of the services and supports needed to transition the  
30 consumer to a less restrictive living arrangement, and a timeline  
31 for identifying or developing those services and supports. The  
32 regulations shall establish a statewide limit on the total number of  
33 beds in homes with secured perimeters. The adoption of these  
34 regulations shall be deemed to be an emergency and necessary for  
35 the immediate preservation of the public peace, health and safety,  
36 or general welfare.

37 ~~SEC. 26. Section 1534 of the Health and Safety Code is~~  
38 ~~amended to read:~~

1     ~~1534. (a) (1) (A) Except for foster family homes, every~~  
2     ~~licensed community care facility shall be subject to unannounced~~  
3     ~~inspections by the department.~~

4     ~~(B) Foster family homes shall be subject to announced~~  
5     ~~inspections by the department, except that a foster family home~~  
6     ~~shall be subject to unannounced inspections in response to a~~  
7     ~~complaint, a plan of correction, or under any of the circumstances~~  
8     ~~set forth in subparagraph (B) of paragraph (2).~~

9     ~~(2) (A) The department may inspect these facilities as often as~~  
10    ~~necessary to ensure the quality of care provided.~~

11    ~~(B) The department shall conduct an annual unannounced~~  
12    ~~inspection of a facility under any of the following circumstances:~~

13    ~~(i) When a license is on probation.~~

14    ~~(ii) When the terms of agreement in a facility compliance plan~~  
15    ~~require an annual inspection.~~

16    ~~(iii) When an accusation against a licensee is pending.~~

17    ~~(iv) When a facility requires an annual inspection as a condition~~  
18    ~~of receiving federal financial participation.~~

19    ~~(v) In order to verify that a person who has been ordered out of~~  
20    ~~a facility by the department is no longer at the facility.~~

21    ~~(C) (i) The department shall conduct annual unannounced~~  
22    ~~inspections of no less than 20 percent of facilities, except for foster~~  
23    ~~family homes, not subject to an inspection under subparagraph~~  
24    ~~(B).~~

25    ~~(ii) The department shall conduct annual announced inspections~~  
26    ~~of no less than 20 percent of foster family homes not subject to an~~  
27    ~~inspection under subparagraph (B).~~

28    ~~(iii) These inspections shall be conducted based on a random~~  
29    ~~sampling methodology developed by the department.~~

30    ~~(iv) If the total citations issued by the department to facilities~~  
31    ~~exceed the previous year's total by 10 percent, the following year~~  
32    ~~the department shall increase the random sample by an additional~~  
33    ~~10 percent of the facilities not subject to an inspection under~~  
34    ~~subparagraph (B). The department may request additional resources~~  
35    ~~to increase the random sample by 10 percent.~~

36    ~~(v) The department shall not inspect a licensed community care~~  
37    ~~facility less often than once every five years.~~

38    ~~(3) In order to facilitate direct contact with group home or~~  
39    ~~short-term residential treatment center clients, the department may~~  
40    ~~interview children who are clients of group homes or short-term~~

1 residential treatment centers at any public agency or private agency  
2 at which the client may be found, including, but not limited to, a  
3 juvenile hall, recreation or vocational program, or a public or  
4 nonpublic school. The department shall respect the rights of the  
5 child while conducting the interview, including informing the child  
6 that he or she has the right not to be interviewed and the right to  
7 have another adult present during the interview.

8 (4) The department shall notify the community care facility in  
9 writing of all deficiencies in its compliance with the provisions of  
10 this chapter and the rules and regulations adopted pursuant to this  
11 chapter, and shall set a reasonable length of time for compliance  
12 by the facility.

13 (5) Reports on the results of each inspection, evaluation, or  
14 consultation shall be kept on file in the department, and all  
15 inspection reports, consultation reports, lists of deficiencies, and  
16 plans of correction shall be open to public inspection.

17 (b) (1) This section does not limit the authority of the  
18 department to inspect or evaluate a licensed foster family agency,  
19 a certified family home, or any aspect of a program in which a  
20 licensed community care facility is certifying compliance with  
21 licensing requirements.

22 (2) (A) A foster family agency shall conduct an announced  
23 inspection of a certified family home during the annual  
24 recertification described in Section 1506 in order to ensure that  
25 the certified family home meets all applicable licensing standards.  
26 A foster family agency may inspect a certified family home as  
27 often as necessary to ensure the quality of care provided.

28 (B) In addition to the inspections required pursuant to  
29 subparagraph (A), a foster family agency shall conduct an  
30 unannounced inspection of a certified family home under any of  
31 the following circumstances:

32 (i) When a certified family home is on probation.

33 (ii) When the terms of the agreement in a facility compliance  
34 plan require an annual inspection.

35 (iii) When an accusation against a certified family home is  
36 pending.

37 (iv) When a certified family home requires an annual inspection  
38 as a condition of receiving federal financial participation.

39 (v) In order to verify that a person who has been ordered out of  
40 a certified family home by the department is no longer at the home.

1     ~~(3) Upon a finding of noncompliance by the department, the~~  
2     ~~department may require a foster family agency to deny or revoke~~  
3     ~~the certificate of approval of a certified family home, or take other~~  
4     ~~action the department may deem necessary for the protection of a~~  
5     ~~child placed with the certified family home. The certified parent~~  
6     ~~or prospective foster parent shall be afforded the due process~~  
7     ~~provided pursuant to this chapter.~~

8     ~~(4) If the department requires a foster family agency to deny or~~  
9     ~~revoke the certificate of approval, the department shall serve an~~  
10    ~~order of denial or revocation upon the certified or prospective~~  
11    ~~foster parent and foster family agency that shall notify the certified~~  
12    ~~or prospective foster parent of the basis of the department's action~~  
13    ~~and of the certified or prospective foster parent's right to a hearing.~~

14    ~~(5) Within 15 days after the department serves an order of denial~~  
15    ~~or revocation, the certified or prospective foster parent may file a~~  
16    ~~written appeal of the department's decision with the department.~~  
17    ~~The department's action shall be final if the certified or prospective~~  
18    ~~foster parent does not file a written appeal within 15 days after the~~  
19    ~~department serves the denial or revocation order.~~

20    ~~(6) The department's order of the denial or revocation of the~~  
21    ~~certificate of approval shall remain in effect until the hearing is~~  
22    ~~completed and the director has made a final determination on the~~  
23    ~~merits.~~

24    ~~(7) A certified or prospective foster parent who files a written~~  
25    ~~appeal of the department's order with the department pursuant to~~  
26    ~~this section shall, as part of the written request, provide his or her~~  
27    ~~current mailing address. The certified or prospective foster parent~~  
28    ~~shall subsequently notify the department in writing of any change~~  
29    ~~in mailing address, until the hearing process has been completed~~  
30    ~~or terminated.~~

31    ~~(8) Hearings held pursuant to this section shall be conducted in~~  
32    ~~accordance with Chapter 5 (commencing with Section 11500) of~~  
33    ~~Part 1 of Division 3 of Title 2 of the Government Code. In all~~  
34    ~~proceedings conducted in accordance with this section the standard~~  
35    ~~of proof shall be by a preponderance of the evidence.~~

36    ~~(9) The department may institute or continue a disciplinary~~  
37    ~~proceeding against a certified or prospective foster parent upon~~  
38    ~~any ground provided by this section or Section 1550, enter an order~~  
39    ~~denying or revoking the certificate of approval, or otherwise take~~  
40    ~~disciplinary action against the certified or prospective foster parent,~~



1 notwithstanding any resignation, withdrawal of application,  
2 surrender of the certificate of approval, or denial or revocation of  
3 the certificate of approval by the foster family agency.

4 ~~(10) A foster family agency's failure to comply with the~~  
5 ~~department's order to deny or revoke the certificate of approval~~  
6 ~~by placing or retaining children in care shall be grounds for~~  
7 ~~disciplining the licensee pursuant to Section 1550.~~

8 *SEC. 27. Section 1534 of the Health and Safety Code, as*  
9 *amended by Section 4 of Chapter 20 of the Statutes of 2015, is*  
10 *amended to read:*

11 1534. (a) (1) (A) Except for foster family homes, every  
12 licensed community care facility shall be subject to unannounced  
13 inspections by the department.

14 (B) Foster family homes shall be subject to announced  
15 inspections by the department, except that a foster family home  
16 shall be subject to unannounced inspections in response to a  
17 complaint, a plan of correction, or under any of the circumstances  
18 set forth in subparagraph (B) of paragraph (2).

19 (2) (A) The department may inspect these facilities as often as  
20 necessary to ensure the quality of care provided.

21 (B) The department shall conduct an annual unannounced  
22 inspection of a facility under any of the following circumstances:

23 (i) When a license is on probation.

24 (ii) When the terms of agreement in a facility compliance plan  
25 require an annual inspection.

26 (iii) When an accusation against a licensee is pending.

27 (iv) When a facility requires an annual inspection as a condition  
28 of receiving federal financial participation.

29 (v) In order to verify that a person who has been ordered out of  
30 a facility by the department is no longer at the facility.

31 (C) (i) The department shall conduct annual unannounced  
32 inspections of no less than 20 percent of facilities, except for foster  
33 family homes, not subject to an inspection under subparagraph  
34 (B).

35 (ii) The department shall conduct annual announced inspections  
36 of no less than 20 percent of foster family homes not subject to an  
37 inspection under subparagraph (B).

38 (iii) These inspections shall be conducted based on a random  
39 sampling methodology developed by the department.

1 (iv) If the total citations issued by the department to facilities  
2 exceed the previous year's total by 10 percent, the following year  
3 the department shall increase the random sample by an additional  
4 10 percent of the facilities not subject to an inspection under  
5 subparagraph (B). The department may request additional resources  
6 to increase the random sample by 10 percent.

7 (v) The department shall not inspect a licensed community care  
8 facility less often than once every five years.

9 (3) In order to facilitate direct contact with group home *or*  
10 *short-term residential treatment center* clients, the department  
11 may interview children who are clients of group homes *or*  
12 *short-term residential treatment centers* at any public agency or  
13 private agency at which the client may be found, including, but  
14 not limited to, a juvenile hall, recreation or vocational program,  
15 or a public or nonpublic school. The department shall respect the  
16 rights of the child while conducting the interview, including  
17 informing the child that he or she has the right not to be interviewed  
18 and the right to have another adult present during the interview.

19 (4) The department shall notify the community care facility in  
20 writing of all deficiencies in its compliance with the provisions of  
21 this chapter and the rules and regulations adopted pursuant to this  
22 chapter, and shall set a reasonable length of time for compliance  
23 by the facility.

24 (5) Reports on the results of each inspection, evaluation, or  
25 consultation shall be kept on file in the department, and all  
26 inspection reports, consultation reports, lists of deficiencies, and  
27 plans of correction shall be open to public inspection.

28 (b) (1) This section does not limit the authority of the  
29 department to inspect or evaluate a licensed foster family agency,  
30 a certified family home, or any aspect of a program in which a  
31 licensed community care facility is certifying compliance with  
32 licensing requirements.

33 (2) (A) A foster family agency shall conduct an announced  
34 inspection of a certified family home during the annual  
35 recertification described in Section 1506 in order to ensure that  
36 the certified family home meets all applicable licensing standards.  
37 A foster family agency may inspect a certified family home as  
38 often as necessary to ensure the quality of care provided.

39 (B) In addition to the inspections required pursuant to  
40 subparagraph (A), a foster family agency shall conduct an

1 unannounced inspection of a certified family home under any of  
2 the following circumstances:

3 (i) When a certified family home is on probation.

4 (ii) When the terms of the agreement in a facility compliance  
5 plan require an annual inspection.

6 (iii) When an accusation against a certified family home is  
7 pending.

8 (iv) When a certified family home requires an annual inspection  
9 as a condition of receiving federal financial participation.

10 (v) In order to verify that a person who has been ordered out of  
11 a certified family home by the department is no longer at the home.

12 (3) Upon a finding of noncompliance by the department, the  
13 department may require a foster family agency to deny or revoke  
14 the certificate of approval of a certified family home, or take other  
15 action the department may deem necessary for the protection of a  
16 child placed with the certified family home. The certified parent  
17 or prospective foster parent shall be afforded the due process  
18 provided pursuant to this chapter.

19 (4) If the department requires a foster family agency to deny or  
20 revoke the certificate of approval, the department shall serve an  
21 order of denial or revocation upon the certified or prospective  
22 foster parent and foster family agency that shall notify the certified  
23 or prospective foster parent of the basis of the department's action  
24 and of the certified or prospective foster parent's right to a hearing.

25 (5) Within 15 days after the department serves an order of denial  
26 or revocation, the certified or prospective foster parent may file a  
27 written appeal of the department's decision with the department.  
28 The department's action shall be final if the certified or prospective  
29 foster parent does not file a written appeal within 15 days after the  
30 department serves the denial or revocation order.

31 (6) The department's order of the denial or revocation of the  
32 certificate of approval shall remain in effect until the hearing is  
33 completed and the director has made a final determination on the  
34 merits.

35 (7) A certified or prospective foster parent who files a written  
36 appeal of the department's order with the department pursuant to  
37 this section shall, as part of the written request, provide his or her  
38 current mailing address. The certified or prospective foster parent  
39 shall subsequently notify the department in writing of any change

1 in mailing address, until the hearing process has been completed  
2 or terminated.

3 (8) Hearings held pursuant to this section shall be conducted in  
4 accordance with Chapter 5 (commencing with Section 11500) of  
5 Part 1 of Division 3 of Title 2 of the Government Code. In all  
6 proceedings conducted in accordance with this section the standard  
7 of proof shall be by a preponderance of the evidence.

8 (9) The department may institute or continue a disciplinary  
9 proceeding against a certified or prospective foster parent upon  
10 any ground provided by this section or Section 1550, enter an order  
11 denying or revoking the certificate of approval, or otherwise take  
12 disciplinary action against the certified or prospective foster parent,  
13 notwithstanding any resignation, withdrawal of application,  
14 surrender of the certificate of approval, or denial or revocation of  
15 the certificate of approval by the foster family agency.

16 (10) A foster family agency's failure to comply with the  
17 department's order to deny or revoke the certificate of approval  
18 by placing or retaining children in care shall be grounds for  
19 disciplining the licensee pursuant to Section 1550.

20 (c) This section shall remain in effect only until January 1, 2017,  
21 and as of that date is repealed, unless a later enacted statute, that  
22 is enacted before January 1, 2017, deletes or extends that date.

23 *SEC. 28. Section 1534 of the Health and Safety Code, as added*  
24 *by Section 5 of Chapter 20 of the Statutes of 2015, is amended to*  
25 *read:*

26 1534. (a) (1) (A) Except for foster family homes, every  
27 licensed community care facility shall be subject to unannounced  
28 inspections by the department.

29 (B) Foster family homes shall be subject to announced  
30 inspections by the department, except that a foster family home  
31 shall be subject to unannounced inspections in response to a  
32 complaint, a plan of correction, or under any of the circumstances  
33 set forth in subparagraph (B) of paragraph (2).

34 (2) (A) The department may inspect these facilities as often as  
35 necessary to ensure the quality of care provided.

36 (B) The department shall conduct an annual unannounced  
37 inspection of a facility under any of the following circumstances:

38 (i) When a license is on probation.

39 (ii) When the terms of agreement in a facility compliance plan  
40 require an annual inspection.

1 (iii) When an accusation against a licensee is pending.

2 (iv) When a facility requires an annual inspection as a condition  
3 of receiving federal financial participation.

4 (v) In order to verify that a person who has been ordered out of  
5 a facility by the department is no longer at the facility.

6 (C) On and after January 1, 2017, and until January 1, 2018,  
7 the following shall apply:

8 (i) Except for foster family homes, the department shall conduct  
9 annual unannounced inspections of no less than 30 percent of every  
10 licensed community care facility not subject to an inspection under  
11 subparagraph (B).

12 (ii) The department shall conduct annual announced inspections  
13 of no less than 30 percent of foster family homes not subject to an  
14 inspection under subparagraph (B).

15 (iii) These inspections shall be conducted based on a random  
16 sampling methodology developed by the department.

17 (iv) The department shall inspect a licensed community care  
18 facility at least once every three years.

19 (D) On and after January 1, 2018, and until January 1, 2019,  
20 the following shall apply:

21 (i) The department shall conduct annual unannounced  
22 inspections of no less than 20 percent of adult residential facilities,  
23 adult day programs, social rehabilitation facilities, enhanced  
24 behavioral support homes for adults, and community crisis homes,  
25 as defined in Section 1502, which are not subject to an inspection  
26 under subparagraph (B).

27 (ii) These inspections shall be conducted based on a random  
28 sampling methodology developed by the department.

29 (iii) The department shall inspect an adult residential facility,  
30 adult day program, social rehabilitation facility, enhanced  
31 behavioral support home for adults, and community crisis home,  
32 as defined in Section 1502, at least once every two years.

33 (E) On and after January 1, 2019, the department shall conduct  
34 annual unannounced inspections of all adult residential facilities,  
35 adult day programs, social rehabilitation facilities, enhanced  
36 behavioral support homes for adults, and community crisis homes,  
37 as defined in Section 1502, and adult residential facilities for  
38 persons with special health care needs, as defined in Section  
39 4684.50 of the Welfare and Institutions Code.

40 (F) On and after January 1, 2018, the following shall apply:

(i) Except for foster family homes, the department shall conduct annual unannounced inspections of no less than 20 percent of residential care facilities for children, as defined in Section 1502, including enhanced behavioral support homes for children, transitional housing placement providers, and foster family agencies not subject to an inspection under subparagraph (B).

(ii) The department shall conduct annual announced inspections of no less than 20 percent of foster family homes, as defined in Section 1502, not subject to an inspection under subparagraph (B).

(iii) The inspections in clauses (i) and (ii) shall be conducted based on a random sampling methodology developed by the department.

(iv) The department shall conduct unannounced inspections of residential care facilities for children, as defined in Section 1502, including enhanced behavioral support homes for children, transitional housing placement providers, and foster family agencies, and announced inspections of foster family homes, at least once every two years.

(3) In order to facilitate direct contact with group home *or short-term residential treatment center* clients, the department may interview children who are clients of group homes *or short-term residential treatment centers* at any public agency or private agency at which the client may be found, including, but not limited to, a juvenile hall, recreation or vocational program, or a public or nonpublic school. The department shall respect the rights of the child while conducting the interview, including informing the child that he or she has the right not to be interviewed and the right to have another adult present during the interview.

(4) The department shall notify the community care facility in writing of all deficiencies in its compliance with the provisions of this chapter and the rules and regulations adopted pursuant to this chapter, and shall set a reasonable length of time for compliance by the facility.

(5) Reports on the results of each inspection, evaluation, or consultation shall be kept on file in the department, and all inspection reports, consultation reports, lists of deficiencies, and plans of correction shall be open to public inspection.

(b) (1) This section does not limit the authority of the department to inspect or evaluate a licensed foster family agency, a certified family home, or any aspect of a program in which a

1 licensed community care facility is certifying compliance with  
2 licensing requirements.

3 (2) (A) A foster family agency shall conduct an announced  
4 inspection of a certified family home during the annual  
5 recertification described in Section 1506 in order to ensure that  
6 the certified family home meets all applicable licensing standards.

7 A foster family agency may inspect a certified family home as  
8 often as necessary to ensure the quality of care provided.

9 (B) In addition to the inspections required pursuant to  
10 subparagraph (A), a foster family agency shall conduct an  
11 unannounced inspection of a certified family home under any of  
12 the following circumstances:

13 (i) When a certified family home is on probation.

14 (ii) When the terms of the agreement in a facility compliance  
15 plan require an annual inspection.

16 (iii) When an accusation against a certified family home is  
17 pending.

18 (iv) When a certified family home requires an annual inspection  
19 as a condition of receiving federal financial participation.

20 (v) In order to verify that a person who has been ordered out of  
21 a certified family home by the department is no longer at the home.

22 (3) Upon a finding of noncompliance by the department, the  
23 department may require a foster family agency to deny or revoke  
24 the certificate of approval of a certified family home, or take other  
25 action the department may deem necessary for the protection of a  
26 child placed with the certified family home. The certified parent  
27 or prospective foster parent shall be afforded the due process  
28 provided pursuant to this chapter.

29 (4) If the department requires a foster family agency to deny or  
30 revoke the certificate of approval, the department shall serve an  
31 order of denial or revocation upon the certified or prospective  
32 foster parent and foster family agency that shall notify the certified  
33 or prospective foster parent of the basis of the department's action  
34 and of the certified or prospective foster parent's right to a hearing.

35 (5) Within 15 days after the department serves an order of denial  
36 or revocation, the certified or prospective foster parent may file a  
37 written appeal of the department's decision with the department.  
38 The department's action shall be final if the certified or prospective  
39 foster parent does not file a written appeal within 15 days after the  
40 department serves the denial or revocation order.

1 (6) The department's order of the denial or revocation of the  
2 certificate of approval shall remain in effect until the hearing is  
3 completed and the director has made a final determination on the  
4 merits.

5 (7) A certified or prospective foster parent who files a written  
6 appeal of the department's order with the department pursuant to  
7 this section shall, as part of the written request, provide his or her  
8 current mailing address. The certified or prospective foster parent  
9 shall subsequently notify the department in writing of any change  
10 in mailing address, until the hearing process has been completed  
11 or terminated.

12 (8) Hearings held pursuant to this section shall be conducted in  
13 accordance with Chapter 5 (commencing with Section 11500) of  
14 Part 1 of Division 3 of Title 2 of the Government Code. In all  
15 proceedings conducted in accordance with this section the standard  
16 of proof shall be by a preponderance of the evidence.

17 (9) The department may institute or continue a disciplinary  
18 proceeding against a certified or prospective foster parent upon  
19 any ground provided by this section or Section 1550, enter an order  
20 denying or revoking the certificate of approval, or otherwise take  
21 disciplinary action against the certified or prospective foster parent,  
22 notwithstanding any resignation, withdrawal of application,  
23 surrender of the certificate of approval, or denial or revocation of  
24 the certificate of approval by the foster family agency.

25 (10) A foster family agency's failure to comply with the  
26 department's order to deny or revoke the certificate of approval  
27 by placing or retaining children in care shall be grounds for  
28 disciplining the licensee pursuant to Section 1550.

29 (c) This section shall become operative on January 1, 2017.

30 ~~SEC. 27.~~

31 *SEC. 29.* Section 1536 of the Health and Safety Code is  
32 amended to read:

33 1536. (a) (1) At least annually, the department shall publish  
34 and make available to interested persons a list or lists covering all  
35 licensed community care facilities, other than foster family homes  
36 and certified family homes of foster family agencies providing  
37 24-hour care for six or fewer foster children, and the services for  
38 which each facility has been licensed or issued a special permit.

39 (2) For a group home, transitional housing placement provider,  
40 community treatment facility, runaway and homeless youth shelter,



1 or short-term residential treatment center, the list shall include  
2 both of the following:

3 (A) The number of licensing complaints, types of complaint,  
4 and outcomes of complaints, including citations, fines, exclusion  
5 orders, license suspensions, revocations, and surrenders.

6 (B) The number, types, and outcomes of law enforcement  
7 contacts made by the facility staff or children, as reported pursuant  
8 to subdivision (a) of Section 1538.7.

9 (b) Subject to subdivision (c), to encourage the recruitment of  
10 foster family homes and certified family homes of foster family  
11 agencies, protect their personal privacy, and to preserve the security  
12 and confidentiality of the placements in the homes, the names,  
13 addresses, and other identifying information of facilities licensed  
14 as foster family homes and certified family homes of foster family  
15 agencies providing 24-hour care for six or fewer children shall be  
16 considered personal information for purposes of the Information  
17 Practices Act of 1977 (Chapter 1 (commencing with Section 1798)  
18 of Title 1.8 of Part 4 of Division 3 of the Civil Code). This  
19 information shall not be disclosed by any state or local agency  
20 pursuant to the California Public Records Act (Chapter 3.5  
21 (commencing with Section 6250) of Division 7 of Title 1 of the  
22 Government Code), except as necessary for administering the  
23 licensing program, facilitating the placement of children in these  
24 facilities, and providing names and addresses only to bona fide  
25 professional foster parent organizations upon request.

26 (c) Notwithstanding subdivision (b), the department, a county,  
27 or a foster family agency may request information from, or divulge  
28 information to, the department, a county, or a foster family agency,  
29 regarding a prospective certified parent, foster parent, or relative  
30 caregiver for the purpose of, and as necessary to, conduct a  
31 reference check to determine whether it is safe and appropriate to  
32 license, certify, or approve an applicant to be a certified parent,  
33 foster parent, or relative caregiver.

34 (d) The department may issue a citation and, after the issuance  
35 of that citation, may assess a civil penalty of fifty dollars (\$50) per  
36 day for each instance of a foster family agency's failure to provide  
37 the department with the information required by subdivision (h)  
38 of Section 88061 of Title 22 of the California Code of Regulations.

(e) The Legislature encourages the department, when funds are available for this purpose, to develop a database that would include all of the following information:

(1) Monthly reports by a foster family agency regarding family homes.

(2) A log of family homes certified and decertified, provided by a foster family agency to the department.

(3) Notification by a foster family agency to the department informing the department of a foster family agency's determination to decertify a certified family home due to any of the following actions by the certified family parent:

(A) Violating licensing rules and regulations.

(B) Aiding, abetting, or permitting the violation of licensing rules and regulations.

(C) Conducting oneself in a way that is inimical to the health, morals, welfare, or safety of a child placed in that certified family home.

(D) Being convicted of a crime while a certified family parent.

(E) Knowingly allowing any child to have illegal drugs or alcohol.

(F) Committing an act of child abuse or neglect or an act of violence against another person.

~~SEC. 28.~~

*SEC. 30.* Section 1538.3 of the Health and Safety Code is amended to read:

1538.3. A county may develop a cooperative agreement with the department to access disclosable, public record information from an automated system, other than the system described in Section 1538.2, concerning substantiated complaints for all group home or short-term residential treatment centers, as defined by regulations of the department, located within that county. Access to the database may be accomplished through a secure online transaction protocol.

~~SEC. 29.~~

*SEC. 31.* Section 1538.5 of the Health and Safety Code is amended to read:

1538.5. (a) (1) Not less than 30 days prior to the anniversary of the effective date of a residential community care facility license, except licensed foster family homes, the department may transmit a copy to the board members of the licensed facility, parents, legal

1 guardians, conservators, clients' rights advocates, or placement  
2 agencies, as designated in each resident's placement agreement,  
3 of all inspection reports given to the facility by the department  
4 during the past year as a result of a substantiated complaint  
5 regarding a violation of this chapter relating to resident abuse and  
6 neglect, food, sanitation, incidental medical care, and residential  
7 supervision. During that one-year period the copy of the notices  
8 transmitted and the proof of the transmittal shall be open for public  
9 inspection.

10 (2) The department may transmit copies of the inspection reports  
11 referred to in paragraph (1) concerning a group home or short-term  
12 residential treatment center, as defined by regulations of the  
13 department, to the county in which the group home or short-term  
14 residential treatment center is located, if requested by that county.

15 (3) A group home or short-term residential treatment center  
16 shall maintain, at the facility, a copy of all licensing reports for  
17 the past three years that would be accessible to the public through  
18 the department, for inspection by placement officials, current and  
19 prospective facility clients, and these clients' family members who  
20 visit the facility.

21 (b) The facility operator, at the expense of the facility, shall  
22 transmit a copy of all substantiated complaints, by certified mail,  
23 to those persons described pursuant to paragraph (1) of subdivision  
24 (a) in the following cases:

25 (1) In the case of a substantiated complaint relating to resident  
26 physical or sexual abuse, the facility shall have three days from  
27 the date the facility receives the licensing report from the  
28 department to comply.

29 (2) In the case in which a facility has received three or more  
30 substantiated complaints relating to the same violation during the  
31 past 12 months, the facility shall have five days from the date the  
32 facility receives the licensing report to comply.

33 (c) A residential facility shall retain a copy of the notices  
34 transmitted pursuant to subdivision (b) and proof of their  
35 transmittal by certified mail for a period of one year after their  
36 transmittal.

37 (d) If a residential facility to which this section applies fails to  
38 comply with this section, as determined by the department, the  
39 department shall initiate civil penalty action against the facility in  
40 accordance with this article and the related rules and regulations.

(e) Not less than 30 days prior to the anniversary of the effective date of the license of any group home or short-term residential treatment center, as defined by regulations of the department, at the request of the county in which the group home or short-term residential treatment center is located, a group home or short-term residential treatment center shall transmit to the county a copy of all incident reports prepared by the group home or short-term residential treatment center and transmitted to a placement agency, as described in subdivision (f) of Section 1536.1, in a county other than the county in which the group home or short-term residential treatment center is located that involved a response by local law enforcement or emergency services personnel, including runaway incidents. The county shall designate an official for the receipt of the incident reports and shall notify the group home or short-term residential treatment center of the designation. Prior to transmitting copies of incident reports to the county, the group home or short-term residential treatment center shall redact the name of any child referenced in the incident reports, and other identifying information regarding any child referenced in the reports. The county may review the incident reports to ensure that the group home or short-term residential treatment center has taken appropriate action to ensure the health and safety of the residents of the facility.

(f) The department shall notify the residential community care facility of its obligation when it is required to comply with this section.

~~SEC. 30.~~

SEC. 32. Section 1538.6 of the Health and Safety Code is amended to read:

1538.6. (a) When the department periodically reviews the record of substantiated complaints against each group home or short-term residential treatment center, pursuant to its oversight role as prescribed by Section 1534, to determine whether the nature, number, and severity of incidents upon which complaints were based constitute a basis for concern as to whether the provider is capable of effectively and efficiently operating the program, and if the department determines that there is cause for concern, it may contact the county in which a group home or short-term residential treatment center is located and placement agencies in other counties using the group home or short-term residential treatment center,

1 and request their recommendations as to what action, if any, the  
2 department should take with regard to the provider's status as a  
3 licensed group home or short-term residential treatment center  
4 provider.

5 (b) It is the intent of the Legislature that the department make  
6 every effort to communicate with the county in which a group  
7 home or short-term residential treatment center is located when  
8 the department has concerns about group homes or short-term  
9 residential treatment centers within that county.

10 ~~SEC. 31.~~

11 *SEC. 33.* Section 1538.7 of the Health and Safety Code is  
12 amended to read:

13 1538.7. (a) A group home, transitional housing placement  
14 provider, community treatment facility, runaway and homeless  
15 youth shelter, or short-term residential treatment center shall report  
16 to the department's Community Care Licensing Division upon the  
17 occurrence of any incident concerning a child in the facility  
18 involving contact with law enforcement. At least every six months,  
19 the facility shall provide a followup report for each incident,  
20 including the type of incident, whether the incident involved an  
21 alleged violation of any crime described in Section 602 of the  
22 Welfare and Institutions Code by a child residing in the facility;  
23 whether staff, children, or both were involved; the gender, race,  
24 ethnicity, and age of children involved; and the outcomes, including  
25 arrests, removals of children from placement, or termination or  
26 suspension of staff.

27 (b) (1) If the department determines that, based on the licensed  
28 capacity, a facility has reported, pursuant to subdivision (a), a  
29 greater than average number of law enforcement contacts involving  
30 an alleged violation of any crime described in Section 602 of the  
31 Welfare and Institutions Code by a child residing in the facility,  
32 the department shall inspect the facility at least once a year.

33 (2) An inspection conducted pursuant to paragraph (1) does not  
34 constitute an unannounced inspection required pursuant to Section  
35 1534.

36 (c) If an inspection is required pursuant to subdivision (b), the  
37 Community Care Licensing Division shall provide the report to  
38 the department's Children and Family Services Division and to  
39 any other public agency that has certified the facility's program  
40 or any component of the facility's program including, but not

1 limited to, the State Department of Health Care Services, which  
2 certifies group homes or short-term residential treatment centers  
3 pursuant to Section 4096.5 of the Welfare and Institutions Code.

4 ~~SEC. 32.~~

5 *SEC. 34.* Section 1548 of the Health and Safety Code, as added  
6 by Section 2 of Chapter 813 of the Statutes of 2014, is amended  
7 to read:

8 1548. (a) In addition to the suspension, temporary suspension,  
9 or revocation of a license issued under this chapter, the department  
10 may levy a civil penalty.

11 (b) The amount of the civil penalty shall not be less than  
12 twenty-five dollars (\$25) or more than fifty dollars (\$50) per day  
13 for each violation of this chapter except where the nature or  
14 seriousness of the violation or the frequency of the violation  
15 warrants a higher penalty or an immediate civil penalty assessment,  
16 or both, as determined by the department. In no event, shall a civil  
17 penalty assessment exceed one hundred fifty dollars (\$150) per  
18 day per violation.

19 (c) Notwithstanding Section 1534, the department shall assess  
20 an immediate civil penalty of one hundred fifty dollars (\$150) per  
21 day per violation for any of the following serious violations:

22 (1) (A) Fire clearance violations, including, but not limited to,  
23 overcapacity, ambulatory status, inoperable smoke alarms, and  
24 inoperable fire alarm systems. The civil penalty shall not be  
25 assessed if the licensee has done either of the following:

26 (i) Requested the appropriate fire clearance based on ambulatory,  
27 nonambulatory, or bedridden status, and the decision is pending.

28 (ii) Initiated eviction proceedings.

29 (B) A licensee denied a clearance for bedridden residents may  
30 appeal to the fire authority, and, if that appeal is denied, may  
31 subsequently appeal to the Office of the State Fire Marshal, and  
32 shall not be assessed an immediate civil penalty until the final  
33 appeal is decided, or after 60 days has passed from the date of the  
34 citation, whichever is earlier.

35 (2) Absence of supervision, as required by statute or regulation.

36 (3) Accessible bodies of water when prohibited in this chapter  
37 or regulations adopted pursuant to this chapter.

38 (4) Accessible firearms, ammunition, or both.

39 (5) Refused entry to a facility or any part of a facility in violation  
40 of Section 1533, 1534, or 1538.

1 (6) The presence of an excluded person on the premises.

2 (d) (1) For a violation that the department determines resulted  
3 in the death of a resident at an adult residential facility, social  
4 rehabilitation facility, enhanced behavioral supports home, or  
5 community crisis home, the civil penalty shall be fifteen thousand  
6 dollars (\$15,000).

7 (2) For a violation that the department determines resulted in  
8 the death of a person receiving care at an adult day program, the  
9 civil penalty shall be assessed as follows:

10 (A) Seven thousand five hundred dollars (\$7,500) for a licensee  
11 licensed, among all of the licensee's facilities, to care for 50 or  
12 less persons.

13 (B) Ten thousand dollars (\$10,000) for a licensee licensed,  
14 among all of the licensee's facilities, to care for more than 50  
15 persons.

16 (3) For a violation that the department determines resulted in  
17 the death of a person receiving care at a therapeutic day services  
18 facility, foster family agency, community treatment facility,  
19 full-service adoption agency, noncustodial adoption agency,  
20 transitional shelter care facility, transitional housing placement  
21 provider, group home, or short-term residential treatment center,  
22 the civil penalty shall be assessed as follows:

23 (A) Seven thousand five hundred dollars (\$7,500) for a licensee  
24 licensed, among all of the licensee's facilities, to care for 40 or  
25 less children.

26 (B) Ten thousand dollars (\$10,000) for a licensee licensed,  
27 among all of the licensee's facilities, to care for 41 to 100,  
28 inclusive, children.

29 (C) Fifteen thousand dollars (\$15,000) for a licensee licensed,  
30 among all of the licensee's facilities, to care for more than 100  
31 children.

32 (4) For a violation that the department determines resulted in  
33 the death of a resident at a runaway and homeless youth shelter,  
34 the civil penalty shall be five thousand dollars (\$5,000).

35 (e) (1) (A) For a violation that the department determines  
36 constitutes physical abuse, as defined in Section 15610.63 of the  
37 Welfare and Institutions Code, or resulted in serious bodily injury,  
38 as defined in Section 243 of the Penal Code, to a resident at an  
39 adult residential facility, social rehabilitation facility, enhanced

1 behavioral supports home, or community crisis home, the civil  
2 penalty shall be ten thousand dollars (\$10,000).

3 (B) For a violation that the department determines constitutes  
4 physical abuse, as defined in Section 15610.63 of the Welfare and  
5 Institutions Code, or resulted in serious bodily injury, as defined  
6 in Section 243 of the Penal Code, to a person receiving care at an  
7 adult day program, the civil penalty shall be assessed as follows:

8 (i) Two thousand five hundred dollars (\$2,500) for a licensee  
9 licensed, among all of the licensee's facilities, to care for 50 or  
10 less persons.

11 (ii) Five thousand dollars (\$5,000) for a licensee licensed, among  
12 all of the licensee's facilities, to care for more than 50 persons.

13 (C) For a violation that the department determines constitutes  
14 physical abuse, as defined in paragraph (2), or resulted in serious  
15 bodily injury, as defined in Section 243 of the Penal Code, to a  
16 person receiving care at a therapeutic day services facility, foster  
17 family agency, community treatment facility, full-service adoption  
18 agency, noncustodial adoption agency, transitional shelter care  
19 facility, transitional housing placement provider, group home, or  
20 short-term residential treatment center, the civil penalty shall be  
21 assessed as follows:

22 (i) Two thousand five hundred dollars (\$2,500) for a licensee  
23 licensed, among all of the licensee's facilities, to care for 40 or  
24 less children.

25 (ii) Five thousand dollars (\$5,000) for a licensee licensed, among  
26 all of the licensee's facilities, to care for 41 to 100, inclusive,  
27 children.

28 (iii) Ten thousand dollars (\$10,000) for a licensee licensed,  
29 among all of the licensee's facilities, to care for more than 100  
30 children.

31 (D) For a violation that the department determines constitutes  
32 physical abuse, as defined in paragraph (2), or resulted in serious  
33 bodily injury, as defined in Section 243 of the Penal Code, to a  
34 resident at a runaway and homeless youth shelter, the civil penalty  
35 shall be one thousand dollars (\$1,000).

36 (2) For purposes of subparagraphs (C) and (D), "physical abuse"  
37 includes physical injury inflicted upon a child by another person  
38 by other than accidental means, sexual abuse as defined in Section  
39 11165.1 of the Penal Code, neglect as defined in Section 11165.2  
40 of the Penal Code, or unlawful corporal punishment or injury as



1 defined in Section 11165.4 of the Penal Code when the person  
2 responsible for the child's welfare is a licensee, administrator, or  
3 employee of any facility licensed to care for children.

4 (f) Prior to the issuance of a citation imposing a civil penalty  
5 pursuant to subdivision (d) or (e), the decision shall be approved  
6 by the director.

7 (g) Notwithstanding Section 1534, any facility that is cited for  
8 repeating the same violation of this chapter within 12 months of  
9 the first violation is subject to an immediate civil penalty of one  
10 hundred fifty dollars (\$150) and fifty dollars (\$50) for each day  
11 the violation continues until the deficiency is corrected.

12 (h) Any facility that is assessed a civil penalty pursuant to  
13 subdivision (g) that repeats the same violation of this chapter within  
14 12 months of the violation subject to subdivision (g) is subject to  
15 an immediate civil penalty of one hundred fifty dollars (\$150) for  
16 each day the violation continues until the deficiency is corrected.

17 (i) (1) The department shall adopt regulations setting forth the  
18 appeal procedures for deficiencies.

19 (2) A licensee shall have the right to submit to the department  
20 a written request for a formal review of a civil penalty assessed  
21 pursuant to subdivisions (d) and (e) within 10 days of receipt of  
22 the notice of a civil penalty assessment and shall provide all  
23 supporting documentation at that time. The review shall be  
24 conducted by a regional manager of the Community Care Licensing  
25 Division. If the regional manager determines that the civil penalty  
26 was not assessed in accordance with applicable statutes or  
27 regulations of the department, he or she may amend or dismiss the  
28 civil penalty. The licensee shall be notified in writing of the  
29 regional manager's decision within 60 days of the request to review  
30 the assessment of the civil penalty.

31 (3) The licensee may further appeal to the program administrator  
32 of the Community Care Licensing Division within 10 days of  
33 receipt of the notice of the regional manager's decision and shall  
34 provide all supporting documentation at that time. If the program  
35 administrator determines that the civil penalty was not assessed  
36 in accordance with applicable statutes or regulations of the  
37 department, he or she may amend or dismiss the civil penalty. The  
38 licensee shall be notified in writing of the program administrator's  
39 decision within 60 days of the request to review the regional  
40 manager's decision.

(4) The licensee may further appeal to the deputy director of the Community Care Licensing Division within 10 days of receipt of the notice of the program director's decision and shall provide all supporting documentation at that time. If the deputy director determines that the civil penalty was not assessed in accordance with applicable statutes or regulations of the department, he or she may amend or dismiss the civil penalty. The licensee shall be notified in writing of the deputy director's decision within 60 days of the request to review the program administrator's decision.

(5) Upon exhausting the deputy director review, a licensee may appeal a civil penalty assessed pursuant to subdivision (d) or (e) to an administrative law judge. Proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted by those provisions. In all proceedings conducted in accordance with this section, the standard of proof shall be by a preponderance of the evidence.

(6) If, in addition to an assessment of civil penalties, the department elects to file an administrative action to suspend or revoke the facility license that includes violations relating to the assessment of the civil penalties, the department review of the pending appeal shall cease and the assessment of the civil penalties shall be heard as part of the administrative action process.

(j) The department shall adopt regulations implementing this section.

(k) The department shall, by January 1, 2016, amend its regulations to reflect the changes to this section made by the act that added this subdivision.

(l) As provided in Section 11466.31 of the Welfare and Institutions Code, the department may offset civil penalties owed by a group home or short-term residential treatment center against moneys to be paid by a county for the care of minors after the group home or short-term residential treatment center has exhausted its appeal of the civil penalty assessment. The department shall provide the group home or short-term residential treatment center a reasonable opportunity to pay the civil penalty before instituting the offset provision.

(m) This section shall become operative on July 1, 2015.

1     ~~SEC. 33.~~

2     *SEC. 35.* Section 1562 of the Health and Safety Code is  
3 amended to read:

4     1562. (a) The department shall ensure that operators and staffs  
5 of community care facilities have appropriate training to provide  
6 the care and services for which a license or certificate is issued.  
7 The section shall not apply to a facility licensed as an Adult  
8 Residential Facility for Persons with Special Health Care Needs  
9 pursuant to Article 9 (commencing with Section 1567.50).

10    (b) It is the intent of the Legislature that children in foster care  
11 reside in the least restrictive, family-based settings that can meet  
12 their needs, and that group homes and short-term residential  
13 treatment centers will be used only for short-term, specialized, and  
14 intensive treatment purposes that are consistent with a case plan  
15 that is determined by a child's best interests. Accordingly, the  
16 Legislature encourages the department to adopt policies, practices,  
17 and guidance that ensure that the education, qualification, and  
18 training requirements for child care staff in group homes and  
19 short-term residential treatment centers are consistent with the  
20 intended role of group homes and short-term residential treatment  
21 centers to provide short-term, specialized, and intensive treatment,  
22 with a particular focus on crisis intervention, behavioral  
23 stabilization, and other treatment-related goals, as well as the  
24 connections between those efforts and work toward permanency  
25 for children.

26    (c) (1) Each person employed as a facility manager or staff  
27 member of a group home or short-term residential treatment center,  
28 as defined in paragraphs (13) and (18) of subdivision (a) of Section  
29 1502, who provides direct care and supervision to children and  
30 youth residing in the group home or short-term residential treatment  
31 center shall be at least 21 years of age.

32    (2) Paragraph (1) shall not apply to a facility manager or staff  
33 member employed at the group home before October 1, 2014.

34    (3) For purposes of this subdivision, "group home" does not  
35 include a runaway and homeless youth shelter.

36     ~~SEC. 34.~~

37     *SEC. 36.* Section 1562.01 is added to the Health and Safety  
38 Code, to read:

39     1562.01. (a) Commencing January 1, 2017, the department  
40 shall license short-term residential treatment centers, as defined

1 in paragraph (18) of subdivision (a) of Section 1502, pursuant to  
2 this chapter. The department may license a facility as a short-term  
3 residential treatment center prior to January 1, 2017. A short-term  
4 residential treatment center shall comply with all requirements of  
5 this chapter that are applicable to group homes and to the  
6 requirements of this section.

7 (b) (1) A short-term residential treatment center shall have  
8 national accreditation from an entity identified by the department  
9 pursuant to the process described in paragraph—(4) (5) of  
10 subdivision (b) of Section 11462 of the Welfare and Institutions  
11 Code.

12 (2) Notwithstanding paragraph (1), the department may issue a  
13 provisional license to a short-term residential treatment center and  
14 may extend the term of the provisional license not to exceed two  
15 years in order for the short-term residential treatment center to  
16 secure accreditation as set forth in subdivision (a) of Section  
17 1520.1.

18 (c) A short-term residential treatment center shall obtain and  
19 have in good standing a mental health certification, as set forth in  
20 Section 4096.5 of the Welfare and Institutions Code.

21 (d) (1) A short-term residential treatment center shall prepare  
22 and maintain a current, written plan of operation as required by  
23 the department.

24 (2) The plan of operation shall include, but not be limited to,  
25 all of the following:

26 (A) A statement of purposes and goals.

27 (B) A plan for the supervision, evaluation, and training of staff.  
28 The training plan shall be appropriate to meet the needs of staff  
29 and children.

30 (C) A program statement that ~~includes:~~ *includes all of the*  
31 *following:*

32 (i) Description of the short-term residential treatment center's  
33 ability to support the differing needs of children and their families  
34 with short-term, specialized, and intensive treatment.

35 (ii) Description of the core services, as set forth, on and after  
36 January 1, 2017, in paragraph (1) of subdivision (b) of Section  
37 11462 of the Welfare and Institutions Code, to be offered to  
38 children and their families, as appropriate or necessary.

39 (iii) ~~Protocols for developing a~~ *Procedures for the development,*  
40 *implementation, and periodic updating of the needs and services*

1 ~~plan~~, *plan for children serviced by the short-term residential*  
2 *treatment center*, in collaboration with the child and family team  
3 described in paragraph (4) of subdivision (a) of Section 16501 of  
4 the Welfare and Institutions Code, that includes, but is not limited  
5 to, a description of the services to be provided to meet the treatment  
6 needs of the child as ~~assessed~~ *assessed, on and after January 1,*  
7 *2017*, pursuant to subdivision (d) or (e) of Section 11462.01 of the  
8 Welfare and Institutions Code, the anticipated duration of the  
9 treatment and the timeframe and plan for transitioning the child  
10 to a less-restrictive family environment.

11 (iv) Any other information that may be prescribed by the  
12 department for the proper administration of this section.

13 (e) In addition to the rules and regulations adopted pursuant to  
14 this chapter, a county licensed to operate a short-term residential  
15 treatment center shall describe, in the plan of operation, its conflict  
16 of interest mitigation plan, as set forth on and after January 1,  
17 2017, in subdivision (g) of Section 11462.02 of the Welfare and  
18 Institutions Code.

19 ~~(f) (1) Prior to licensure, a short-term residential treatment~~  
20 ~~center shall submit its plan of operation to the county placing~~  
21 ~~agency which it will primarily serve for certification. The~~  
22 ~~department shall not issue a license to a short-term residential~~  
23 ~~treatment center unless the short-term residential treatment center~~  
24 ~~submits evidence of certification by the host county, the primary~~  
25 ~~placing county, or a regional consortium of counties that includes~~  
26 ~~all of the following:~~

27 ~~(A) The program is needed by the county.~~

28 ~~(B) The provider is capable of effectively and efficiently~~  
29 ~~operating the program.~~

30 ~~(C) The provider is willing and able to accept placements who~~  
31 ~~need the level of care and services that will be provided by the~~  
32 ~~program.~~

33 ~~(D) The plan of operation is suitable to meet the needs of the~~  
34 ~~identified population.~~

35 ~~(E) That, if the certification is not being issued by the host~~  
36 ~~county, the primary placing county has notified the host county of~~  
37 ~~its intention to issue the certification and the host county was given~~  
38 ~~the opportunity of 30 days to respond to this notification and to~~  
39 ~~discuss options with the primary placing county. The county may~~  
40 ~~decline to review the plan of operation. If the county declines the~~

1 ~~review, it shall notify the department and the department shall~~  
2 ~~make the certification pursuant to this paragraph.~~

3 ~~(2)~~

4 (f) The department shall establish procedures for ~~certification~~  
5 ~~pursuant to paragraph (1), a county letter of support process for~~  
6 ~~short-term residential treatment centers, which may include the~~  
7 ~~review of the short-term residential treatment center's program~~  
8 ~~statement, pursuant to paragraph (1), and which shall be~~  
9 ~~established in consultation with the County Welfare Directors~~  
10 ~~Association, Association of California, Chief Probation Officers~~  
11 ~~of California, and other stakeholders, as appropriate.~~

12 (g) (1) The department shall adopt regulations to establish  
13 requirements for the education, qualification, and training of facility  
14 managers and child care staff in short-term residential treatment  
15 centers consistent with the intended role of these facilities to  
16 provide short-term, specialized, and intensive treatment.

17 (2) Requirements shall include, but not be limited to, all of the  
18 following:

19 (A) Staff classifications.

20 (B) Specification of the date by which employees shall be  
21 required to meet the education and qualification requirements.

22 (C) Any other requirements that may be prescribed by the  
23 department for the proper administration of this section.

24 (h) The department shall adopt regulations to specify training  
25 requirements for staff who provide care and supervision to children  
26 or who have regular, direct contact with children in the course of  
27 their responsibilities. These requirements shall include the  
28 following:

29 (1) Timeframes for completion of training, including the  
30 following:

31 (A) Training that shall be completed prior to unsupervised care  
32 of children.

33 (B) Training to be completed within the first 180 days of  
34 employment.

35 (C) Training to be completed annually.

36 (2) Topics to be covered in the training shall include, but are  
37 not limited to, the following:

38 (A) Child and adolescent development including sexual  
39 orientation, gender identity, and gender expression.

1 (B) The effects of trauma, including grief and loss, and child  
2 abuse or neglect on child development and behavior and methods  
3 to behaviorally support children impacted by ~~such trauma~~. *that*  
4 *trauma or child abuse and neglect.*

5 (C) The rights of a child in foster care, including the right to  
6 have fair and equal access to all available services, placement,  
7 care, treatment, and benefits, and to not be subjected to  
8 discrimination or harassment on the basis of actual or perceived  
9 race, ethnic group identification, ancestry, national origin, color,  
10 religion, sex, sexual orientation, gender identity, mental or physical  
11 disability, or HIV status.

12 (D) ~~Positive interaction, discipline and the importance of~~  
13 ~~self-esteem, and interpersonal skills.~~ *self-esteem.*

14 (E) Core practice model.

15 (F) An overview of the child welfare and probation systems.

16 (G) ~~Prudent Parent Standard.~~ *Reasonable and prudent parent*  
17 *standard.*

18 (H) ~~Cultural needs of children, including, but not limited to,~~  
19 ~~instruction~~ *Instruction on cultural competency and respect relating*  
20 ~~to, and best practices for, providing adequate care to sensitivity~~  
21 ~~and related best practices for providing adequate care for children~~  
22 ~~across diverse ethnic and racial backgrounds, as well as children~~  
23 ~~identifying as lesbian, gay, bisexual, and transgender youth in~~  
24 ~~out-of-home care.~~ *or transgender.*

25 (I) Awareness and identification of commercial sexual  
26 exploitation and best practices for providing care and supervision  
27 to commercially sexually exploited children.

28 (J) The Indian Child Welfare ~~Act that informs on Act~~, its  
29 historical significance, the rights of children covered by the act,  
30 and ~~instructs on~~ the best interests of Indian children as including  
31 culturally appropriate child centered practice that respects  
32 American Indian history, culture, and retention of tribal  
33 membership and connection to the tribal community.

34 (K) ~~Permanence and well-being~~ *Permanence, well-being, and*  
35 *educational needs of children.*

36 (L) Basic instruction on existing laws and procedures regarding  
37 the safety of foster youth at school; and ensuring a harassment and  
38 violence free school environment pursuant to Article 3.6  
39 (commencing with Section 32228) of Chapter 2 of Part 19 of  
40 Division 1 of Title 1 of the Education Code.

1 (M) Preparation of children for a successful transition to  
2 adulthood including, but not limited to, emancipation and  
3 independent living skills.

4 (N) Health issues in foster care, including, but not limited to,  
5 the authorization, uses, risks, benefits, assistance with  
6 self-administration, oversight, and monitoring of psychotropic  
7 medications, and trauma, ~~behavioral health, and other available~~  
8 ~~behavioral health treatments, for children receiving child welfare~~  
9 ~~services, mental health, and substance use disorder treatments for~~  
10 ~~children in foster care under the jurisdiction of the juvenile court,~~  
11 including how to access those treatments.

12 (O) De-escalation, crisis intervention, and positive behavior  
13 management techniques.

14 (i) (1) Each person employed as a facility manager or staff  
15 member of a short-term residential treatment center, who provides  
16 direct care and supervision to children and youth residing in the  
17 short-term residential treatment center shall be at least 21 years of  
18 age.

19 (2) This subdivision shall not apply to a facility manager or staff  
20 member employed, before October 1, 2014, at a short-term  
21 residential treatment center which was operating under a group  
22 home license prior to January 1, 2016.

23 (j) Notwithstanding any other section of this chapter, the  
24 department may establish requirements for licensed group homes  
25 that are transitioning to short-term residential treatment centers,  
26 which may include, but not be limited to, requirements related to  
27 application and plan of operation.

28 (k) *A short-term residential treatment center shall have a*  
29 *qualified and certified administrator, as set forth in Section*  
30 *1522.41.*

31 ~~(k)~~

32 (l) The department shall have the authority to inspect a  
33 short-term residential treatment center pursuant to the system of  
34 governmental monitoring and oversight developed by the  
35 department on and after January 1, 2017, pursuant to subdivision  
36 (c) of Section 11462 of the Welfare and Institutions Code.

37 ~~SEC. 35.~~

38 *SEC. 37.* Section 1562.35 of the Health and Safety Code is  
39 amended to read:



1 1562.35. Notwithstanding any law to the contrary, including,  
2 but not limited to Section 1562.3, vendors approved by the  
3 department who exclusively provide either initial or continuing  
4 education courses for certification of administrators of an adult  
5 residential facility as defined by the department, a group home  
6 facility as defined by the department, a short-term residential  
7 treatment center as defined by the department, or a residential care  
8 facility for the elderly as defined in subdivision (k) of Section  
9 1569.2, shall be regulated solely by the department pursuant to  
10 this chapter. No other state or local governmental entity shall be  
11 responsible for regulating the activity of those vendors.

12 ~~SEC. 36.~~

13 *SEC. 38.* Section 1563 of the Health and Safety Code is  
14 amended to read:

15 1563. (a) The department shall ensure that licensing personnel  
16 at the department have appropriate training to properly carry out  
17 this chapter.

18 (b) The department shall institute a staff development and  
19 training program to develop among departmental staff the  
20 knowledge and understanding necessary to successfully carry out  
21 this chapter. Specifically, the program shall do all of the following:

22 (1) Provide staff with 36 hours of training per year that reflects  
23 the needs of persons served by community care facilities. This  
24 training shall, where appropriate, include specialized instruction  
25 in the needs of foster children, persons with mental disorders, or  
26 developmental or physical disabilities, or other groups served by  
27 specialized community care facilities.

28 (2) Give priority to applications for employment from persons  
29 with experience as care providers to persons served by community  
30 care facilities.

31 (3) Provide new staff with comprehensive training within the  
32 first six months of employment. This comprehensive training shall,  
33 at a minimum, include the following core areas: administrative  
34 action process, client populations, conducting facility visits, cultural  
35 awareness, documentation skills, facility operations, human relation  
36 skills, interviewing techniques, investigation processes, and  
37 regulation administration.

38 (c) In addition to the requirements in subdivision (b), group  
39 home, short-term residential treatment center, and foster family  
40 agency licensing personnel shall receive a minimum of 24 hours

1 of training per year to increase their understanding of children in  
2 group homes, short-term residential treatment centers, certified  
3 homes, and foster family homes. The training shall cover, but not  
4 be limited to, all of the following topics:

5 (1) The types and characteristics of emotionally troubled  
6 children.

7 (2) The high-risk behaviors they exhibit.

8 (3) The biological, psychological, interpersonal, and social  
9 contributors to these behaviors.

10 (4) The range of management and treatment interventions  
11 utilized for these children, including, but not limited to, nonviolent,  
12 emergency intervention techniques.

13 (5) The right of a foster child to have fair and equal access to  
14 all available services, placement, care, treatment, and benefits, and  
15 to not be subjected to discrimination or harassment on the basis  
16 of actual or perceived race, ethnic group identification, ancestry,  
17 national origin, color, religion, sex, sexual orientation, gender  
18 identity, mental or physical disability, or HIV status.

19 (d) The training described in subdivisions (b) and (c) may  
20 include the following topics:

21 (1) An overview of the child protective and probation systems.

22 (2) The effects of trauma, including grief and loss, and child  
23 abuse or neglect on child development and behavior, and methods  
24 to behaviorally support children impacted by that trauma.

25 (3) Positive discipline, the importance of self-esteem, and  
26 interpersonal skills.

27 (4) Health issues in foster care, including, but not limited to,  
28 the authorization, uses, risks, benefits, assistance with  
29 self-administration, oversight, and monitoring of psychotropic  
30 medications, and trauma, ~~behavioral health, and other behavioral~~  
31 ~~health treatments, for children receiving child welfare services,~~  
32 *mental health, and substance use disorder treatments for children*  
33 *in foster care under the jurisdiction of the juvenile court*, including  
34 how to access those treatments.

35 (5) Accessing education, health, and ~~behavioral health~~ *mental*  
36 *health and substance use disorder treatment* services available to  
37 foster children.

38 (6) Cultural needs of children, including, but not limited to,  
39 instruction on cultural competency and respect relating to, and

1 best practices for, providing adequate care to lesbian, gay, bisexual,  
2 and transgender youth in out-of-home care.

3 (7) Understanding how to use best practices for providing care  
4 and supervision to commercially sexually exploited children.

5 (8) Understanding the Indian Child Welfare Act, its historical  
6 significance, the rights of children covered by the act, and the best  
7 interests of those children, including the role of the caregiver in  
8 supporting culturally appropriate, child-centered practices that  
9 respect Native American history, culture, retention of tribal  
10 membership, and connection to the tribal community and traditions.

11 (9) Basic instruction on existing laws and procedures regarding  
12 the safety of foster youth at school; and ensuring a harassment and  
13 violence free school environment pursuant to Article 3.6  
14 (commencing with Section 32228) of Chapter 2 of Part 19 of  
15 Division 1 of Title 1 of the Education Code.

16 (10) Permanence and well-being needs of children.

17 (11) Child and adolescent development and sexual orientation,  
18 gender identify, and gender expression.

19 (12) The role of foster parents, including working cooperatively  
20 with the child welfare agency, the child's family, and other service  
21 providers implementing the case plan.

22 (13) A foster parent's responsibility to act as a reasonable and  
23 prudent parent; and to provide a family setting that promotes  
24 normal childhood experiences and that serves the needs of the  
25 child.

26 (14) Preparation of children for a successful transition to  
27 adulthood.

28 (15) De-escalation, crisis intervention, and positive behavior  
29 management techniques.

30 ~~SEC. 37.~~

31 *SEC. 39.* Section 1567.4 of the Health and Safety Code is  
32 amended to read:

33 1567.4. The State Department of Social Services shall provide,  
34 at cost, quarterly to each county and to each city, upon the request  
35 of the county or city, and to the chief probation officer of each  
36 county and city and county, a roster of all community care facilities  
37 licensed as small family homes, short-term residential treatment  
38 centers, or group homes located in the county, which provide  
39 services to wards of the juvenile court, including information as  
40 to whether each facility is licensed by the state or the county, the

1 type of facility, and the licensed bed capacity of each such facility.  
2 Information concerning the facility shall be limited to that available  
3 through the computer system of the State Department of Social  
4 Services.

5 ~~SEC. 38.~~

6 *SEC. 40.* Section 11105.2 of the Penal Code is amended to  
7 read:

8 11105.2. (a) The Department of Justice may provide  
9 subsequent state or federal arrest or disposition notification to any  
10 entity authorized by state or federal law to receive state or federal  
11 summary criminal history information to assist in fulfilling  
12 employment, licensing, certification duties, or the duties of  
13 approving relative caregivers, nonrelative extended family  
14 members, and resource families upon the arrest or disposition of  
15 any person whose fingerprints are maintained on file at the  
16 Department of Justice or the Federal Bureau of Investigation as  
17 the result of an application for licensing, employment, certification,  
18 or approval. Nothing in this section shall authorize the notification  
19 of a subsequent disposition pertaining to a disposition that does  
20 not result in a conviction, unless the department has previously  
21 received notification of the arrest and has previously lawfully  
22 notified a receiving entity of the pending status of that arrest. When  
23 the department supplies subsequent arrest or disposition notification  
24 to a receiving entity, the entity shall, at the same time, expeditiously  
25 furnish a copy of the information to the person to whom it relates  
26 if the information is a basis for an adverse employment, licensing,  
27 or certification decision. When furnished other than in person, the  
28 copy shall be delivered to the last contact information provided  
29 by the applicant.

30 (b) For purposes of this section, “approval” means those duties  
31 described in subdivision (d) of Section 309 of the Welfare and  
32 Institutions Code for approving the home of a relative caregiver  
33 or of a nonrelative extended family member for placement of a  
34 child supervised by the juvenile court, and those duties in Section  
35 16519.5 of the Welfare and Institutions Code for resource families.

36 (c) Any entity, other than a law enforcement agency employing  
37 peace officers as defined in Section 830.1, subdivisions (a) and  
38 (e) of Section 830.2, subdivision (a) of Section 830.3, subdivisions  
39 (a) and (b) of Section 830.5, and subdivision (a) of Section 830.31,  
40 shall enter into a contract with the Department of Justice in order

1 to receive notification of subsequent state or federal arrests or  
2 dispositions for licensing, employment, or certification purposes.

3 (d) Any entity that submits the fingerprints of applicants for  
4 licensing, employment, certification, or approval to the Department  
5 of Justice for the purpose of establishing a record of the applicant  
6 to receive notification of subsequent state or federal arrests or  
7 dispositions shall immediately notify the department when the  
8 employment of the applicant is terminated, when the applicant's  
9 license or certificate is revoked, when the applicant may no longer  
10 renew or reinstate the license or certificate, or when a relative  
11 caregiver's or nonrelative extended family member's approval is  
12 terminated. The Department of Justice shall terminate state or  
13 federal subsequent notification on any applicant upon the request  
14 of the licensing, employment, certifying, or approving authority.

15 (e) Any entity that receives a notification of a state or federal  
16 subsequent arrest or disposition for a person unknown to the entity,  
17 or for a person no longer employed by the entity, or no longer  
18 eligible to renew the certificate or license for which subsequent  
19 notification service was established shall immediately return the  
20 subsequent notification to the Department of Justice, informing  
21 the department that the entity is no longer interested in the  
22 applicant. The entity shall not record or otherwise retain any  
23 information received as a result of the subsequent notice.

24 (f) Any entity that submits the fingerprints of an applicant for  
25 employment, licensing, certification, or approval to the Department  
26 of Justice for the purpose of establishing a record at the department  
27 or the Federal Bureau of Investigation to receive notification of  
28 subsequent arrest or disposition shall immediately notify the  
29 department if the applicant is not subsequently employed, or if the  
30 applicant is denied licensing certification, or approval.

31 (g) An entity that fails to provide the Department of Justice with  
32 notification as set forth in subdivisions (c), (d), and (e) may be  
33 denied further subsequent notification service.

34 (h) Notwithstanding subdivisions (c), (d), and (f), subsequent  
35 notification by the Department of Justice and retention by the  
36 employing agency shall continue as to retired peace officers listed  
37 in subdivision (c) of Section 830.5.

38 ~~SEC. 39.~~

39 *SEC. 41.* Section 11105.3 of the Penal Code is amended to  
40 read:

1 11105.3. (a) Notwithstanding any other law, a human resource  
2 agency or an employer may request from the Department of Justice  
3 records of all convictions or any arrest pending adjudication  
4 involving the offenses specified in subdivision (a) of Section 15660  
5 of the Welfare and Institutions Code of a person who applies for  
6 a license, employment, or volunteer position, in which he or she  
7 would have supervisory or disciplinary power over a minor or any  
8 person under his or her care. The department shall furnish the  
9 information to the requesting employer and shall also send a copy  
10 of the information to the applicant.

11 (b) Any request for records under subdivision (a) shall include  
12 the applicant's fingerprints, which may be taken by the requester,  
13 and any other data specified by the department. The request shall  
14 be on a form approved by the department, and the department may  
15 charge a fee to be paid by the employer, human resource agency,  
16 or applicant for the actual cost of processing the request. However,  
17 no fee shall be charged to a nonprofit organization. Requests  
18 received by the department for federal level criminal offender  
19 record information shall be forwarded to the Federal Bureau of  
20 Investigation by the department to be searched for any record of  
21 arrests or convictions.

22 (c) (1) When a request pursuant to this section reveals that a  
23 prospective employee or volunteer has been convicted of a  
24 violation or attempted violation of Section 220, 261.5, 262, 273a,  
25 273d, or 273.5, or any sex offense listed in Section 290, except  
26 for the offense specified in subdivision (d) of Section 243.4, and  
27 where the agency or employer hires the prospective employee or  
28 volunteer, the agency or employer shall notify the parents or  
29 guardians of any minor who will be supervised or disciplined by  
30 the employee or volunteer. A conviction for a violation or  
31 attempted violation of an offense committed outside the State of  
32 California shall be included in this notice if the offense would have  
33 been a crime specified in this subdivision if committed in  
34 California. The notice shall be given to the parents or guardians  
35 with whom the child resides, and shall be given at least 10 days  
36 prior to the day that the employee or volunteer begins his or her  
37 duties or tasks. Notwithstanding any other law, any person who  
38 conveys or receives information in good faith and in conformity  
39 with this section is exempt from prosecution under Section 11142  
40 or 11143 for that conveying or receiving of information.

1 Notwithstanding subdivision (d), the notification requirements of  
2 this subdivision shall apply as an additional requirement of any  
3 other provision of law requiring criminal record access or  
4 dissemination of criminal history information.

5 (2) The notification requirement pursuant to paragraph (1) shall  
6 not apply to a misdemeanor conviction for violating Section 261.5  
7 or to a conviction for violating Section 262 or 273.5. Nothing in  
8 this paragraph shall preclude an employer from requesting records  
9 of convictions for violating Section 261.5, 262, or 273.5 from the  
10 Department of Justice pursuant to this section.

11 (d) Nothing in this section supersedes any law requiring criminal  
12 record access or dissemination of criminal history information. In  
13 any conflict with another statute, dissemination of criminal history  
14 information shall be pursuant to the mandatory statute. This  
15 subdivision applies to, but is not limited to, requirements pursuant  
16 to Article 1 (commencing with Section 1500) of Chapter 3 of, and  
17 Chapter 3.2 (commencing with Section 1569) and Chapter 3.4  
18 (commencing with Section 1596.70) of, Division 2 of, and Section  
19 1522 of, the Health and Safety Code, and Sections 8712, 8811,  
20 and 8908 of the Family Code, and Section 16519.5 of the Welfare  
21 and Institutions Code.

22 (e) The department may adopt regulations to implement the  
23 provisions of this section as necessary.

24 (f) As used in this section, “employer” means any nonprofit  
25 corporation or other organization specified by the Attorney General  
26 that employs or uses the services of volunteers in positions in  
27 which the volunteer or employee has supervisory or disciplinary  
28 power over a child or children.

29 (g) As used in this section, “human resource agency” means a  
30 public or private entity, excluding any agency responsible for  
31 licensing of facilities pursuant to the California Community Care  
32 Facilities Act (Chapter 3 (commencing with Section 1500)), the  
33 California Residential Care Facilities for the Elderly Act (Chapter  
34 3.2 (commencing with Section 1569)), Chapter 3.01 (commencing  
35 with Section 1568.01), and the California Child Day Care Facilities  
36 Act (Chapter 3.4 (commencing with Section 1596.70)) of Division  
37 2 of the Health and Safety Code, responsible for determining the  
38 character and fitness of a person who is:

1 (1) Applying for a license, employment, or as a volunteer within  
2 the human services field that involves the care and security of  
3 children, the elderly, the handicapped, or the mentally impaired.

4 (2) Applying to be a volunteer who transports individuals  
5 impaired by drugs or alcohol.

6 (3) Applying to adopt a child or to be a foster parent.

7 (h) Except as provided in subdivision (c), any criminal history  
8 information obtained pursuant to this section is confidential and  
9 no recipient shall disclose its contents other than for the purpose  
10 for which it was acquired.

11 (i) As used in this subdivision, “community youth athletic  
12 program” means an employer having as its primary purpose the  
13 promotion or provision of athletic activities for youth under 18  
14 years of age.

15 (j) A community youth athletic program, as defined in  
16 subdivision (i), may request state and federal level criminal history  
17 information pursuant to subdivision (a) for a volunteer coach or  
18 hired coach candidate. The director of the community youth athletic  
19 program shall be the custodian of records.

20 (k) The community youth athletic program may request from  
21 the Department of Justice subsequent arrest notification service,  
22 as provided in Section 11105.2, for a volunteer coach or a hired  
23 coach candidate.

24 (l) Compliance with this section does not remove or limit the  
25 liability of a mandated reporter pursuant to Section 11166.

26 ~~SEC. 40.~~

27 *SEC. 42.* Section 361.2 of the Welfare and Institutions Code  
28 is amended to read:

29 361.2. (a) When a court orders removal of a child pursuant to  
30 Section 361, the court shall first determine whether there is a parent  
31 of the child, with whom the child was not residing at the time that  
32 the events or conditions arose that brought the child within the  
33 provisions of Section 300, who desires to assume custody of the  
34 child. If that parent requests custody, the court shall place the child  
35 with the parent unless it finds that placement with that parent would  
36 be detrimental to the safety, protection, or physical or emotional  
37 well-being of the child. The fact that the parent is enrolled in a  
38 certified substance abuse treatment facility that allows a dependent  
39 child to reside with his or her parent shall not be, for that reason



1 alone, prima facie evidence that placement with that parent would  
2 be detrimental.

3 (b) If the court places the child with that parent it may do any  
4 of the following:

5 (1) Order that the parent become legal and physical custodian  
6 of the child. The court may also provide reasonable visitation by  
7 the noncustodial parent. The court shall then terminate its  
8 jurisdiction over the child. The custody order shall continue unless  
9 modified by a subsequent order of the superior court. The order  
10 of the juvenile court shall be filed in any domestic relation  
11 proceeding between the parents.

12 (2) Order that the parent assume custody subject to the  
13 jurisdiction of the juvenile court and require that a home visit be  
14 conducted within three months. In determining whether to take  
15 the action described in this paragraph, the court shall consider any  
16 concerns that have been raised by the child's current caregiver  
17 regarding the parent. After the social worker conducts the home  
18 visit and files his or her report with the court, the court may then  
19 take the action described in paragraph (1), (3), or this paragraph.  
20 However, nothing in this paragraph shall be interpreted to imply  
21 that the court is required to take the action described in this  
22 paragraph as a prerequisite to the court taking the action described  
23 in either paragraph (1) or (3).

24 ~~(3)~~

25 (1) Order that the parent assume custody subject to the  
26 supervision of the juvenile court. In that case the court may order  
27 that reunification services be provided to the parent or guardian  
28 from whom the child is being removed, or the court may order that  
29 services be provided solely to the parent who is assuming physical  
30 custody in order to allow that parent to retain later custody without  
31 court supervision, or that services be provided to both parents, in  
32 which case the court shall determine, at review hearings held  
33 pursuant to Section 366, which parent, if either, shall have custody  
34 of the child.

35 (c) The court shall make a finding either in writing or on the  
36 record of the basis for its determination under subdivisions (a) and  
37 (b).

38 (d) Part 6 (commencing with Section 7950) of Division 12 of  
39 the Family Code shall apply to the placement of a child pursuant  
40 to paragraphs (1) and (2) of subdivision (e).

(e) When the court orders removal pursuant to Section 361, the court shall order the care, custody, control, and conduct of the child to be under the supervision of the social worker who may place the child in any of the following:

(1) The home of a noncustodial parent as described in subdivision (a), regardless of the parent's immigration status.

(2) The approved home of a relative, regardless of the relative's immigration status.

(3) The approved home of a nonrelative extended family member as defined in Section 362.7.

(4) The approved home of a resource family as defined in Section 16519.5.

(5) A foster home in which the child has been placed before an interruption in foster care, if that placement is in the best interest of the child and space is available.

(6) A suitable licensed community care facility, except a runaway and homeless youth shelter licensed by the State Department of Social Services pursuant to Section 1502.35 of the Health and Safety Code.

(7) With a foster family agency to be placed in a suitable licensed foster family home or certified family home which has been certified by the agency as meeting licensing standards.

(8) A home or facility in accordance with the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).

(9) A child under six years of age may be placed in a community care facility licensed as a group home for children, or a temporary shelter care facility as defined in Section 1530.8 of the Health and Safety Code, only under any of the following circumstances:

(A) (i) When a case plan indicates that placement is for purposes of providing short term, specialized, and intensive treatment to the child, the case plan specifies the need for, nature of, and anticipated duration of this treatment, pursuant to paragraph (2) of subdivision (c) of Section 16501.1, the facility meets the applicable regulations adopted under Section 1530.8 of the Health and Safety Code and standards developed pursuant to Section 11467.1 of this code, and the deputy director or director of the county child welfare department or an assistant chief probation officer or chief probation officer of the county probation department has approved the case plan.

1 (ii) The short term, specialized, and intensive treatment period  
2 shall not exceed 120 days, unless the county has made progress  
3 toward or is actively working toward implementing the case plan  
4 that identifies the services or supports necessary to transition the  
5 child to a family setting, circumstances beyond the county's control  
6 have prevented the county from obtaining those services or  
7 supports within the timeline documented in the case plan, and the  
8 need for additional time pursuant to the case plan is documented  
9 by the caseworker and approved by a deputy director or director  
10 of the county child welfare department or an assistant chief  
11 probation officer or chief probation officer of the county probation  
12 department.

13 (iii) To the extent that placements pursuant to this paragraph  
14 are extended beyond an initial 120 days, the requirements of  
15 clauses (i) and (ii) shall apply to each extension. In addition, the  
16 deputy director or director of the county child welfare department  
17 or an assistant chief probation officer or chief probation officer of  
18 the county probation department shall approve the continued  
19 placement no less frequently than every 60 days.

20 (B) When a case plan indicates that placement is for purposes  
21 of providing family reunification services. In addition, the facility  
22 offers family reunification services that meet the needs of the  
23 individual child and his or her family, permits parents to have  
24 reasonable access to their children 24 hours a day, encourages  
25 extensive parental involvement in meeting the daily needs of their  
26 children, and employs staff trained to provide family reunification  
27 services. In addition, one of the following conditions exists:

28 (i) The child's parent is also a ward of the court and resides in  
29 the facility.

30 (ii) The child's parent is participating in a treatment program  
31 affiliated with the facility and the child's placement in the facility  
32 facilitates the coordination and provision of reunification services.

33 (iii) Placement in the facility is the only alternative that permits  
34 the parent to have daily 24-hour access to the child in accordance  
35 with the case plan, to participate fully in meeting all of the daily  
36 needs of the child, including feeding and personal hygiene, and to  
37 have access to necessary reunification services.

38 (10) (A) A child who is 6 to 12 years of age, inclusive, may be  
39 placed in a community care facility licensed as a group home for  
40 children only when a case plan indicates that placement is for

1 purposes of providing short term, specialized, and intensive  
2 treatment for the child, the case plan specifies the need for, nature  
3 of, and anticipated duration of this treatment, pursuant to paragraph  
4 (2) of subdivision (c) of Section 16501.1, and is approved by the  
5 deputy director or director of the county child welfare department  
6 or an assistant chief probation officer or chief probation officer of  
7 the county probation department.

8 (B) The short term, specialized, and intensive treatment period  
9 shall not exceed six months, unless the county has made progress  
10 or is actively working toward implementing the case plan that  
11 identifies the services or supports necessary to transition the child  
12 to a family setting, circumstances beyond the county's control  
13 have prevented the county from obtaining those services or  
14 supports within the timeline documented in the case plan, and the  
15 need for additional time pursuant to the case plan is documented  
16 by the caseworker and approved by a deputy director or director  
17 of the county child welfare department or an assistant chief  
18 probation officer or chief probation officer of the county probation  
19 department.

20 (C) To the extent that placements pursuant to this paragraph are  
21 extended beyond an initial six months, the requirements of  
22 subparagraphs (A) and (B) shall apply to each extension. In  
23 addition, the deputy director or director of the county child welfare  
24 department or an assistant chief probation officer or chief probation  
25 officer of the county probation department shall approve the  
26 continued placement no less frequently than every 60 days.

27 (11) Nothing in this subdivision shall be construed to allow a  
28 social worker to place any dependent child outside the United  
29 States, except as specified in subdivision (f).

30 (f) (1) A child under the supervision of a social worker pursuant  
31 to subdivision (e) shall not be placed outside the United States  
32 prior to a judicial finding that the placement is in the best interest  
33 of the child, except as required by federal law or treaty.

34 (2) The party or agency requesting placement of the child outside  
35 the United States shall carry the burden of proof and shall show,  
36 by clear and convincing evidence, that placement outside the  
37 United States is in the best interest of the child.

38 (3) In determining the best interest of the child, the court shall  
39 consider, but not be limited to, the following factors:

40 (A) Placement with a relative.

1 (B) Placement of siblings in the same home.

2 (C) Amount and nature of any contact between the child and  
3 the potential guardian or caretaker.

4 (D) Physical and medical needs of the dependent child.

5 (E) Psychological and emotional needs of the dependent child.

6 (F) Social, cultural, and educational needs of the dependent  
7 child.

8 (G) Specific desires of any dependent child who is 12 years of  
9 age or older.

10 (4) If the court finds that a placement outside the United States  
11 is, by clear and convincing evidence, in the best interest of the  
12 child, the court may issue an order authorizing the social worker  
13 to make a placement outside the United States. A child subject to  
14 this subdivision shall not leave the United States prior to the  
15 issuance of the order described in this paragraph.

16 (5) For purposes of this subdivision, “outside the United States”  
17 shall not include the lands of any federally recognized American  
18 Indian tribe or Alaskan Natives.

19 (6) This subdivision shall not apply to the placement of a  
20 dependent child with a parent pursuant to subdivision (a).

21 (g) (1) If the child is taken from the physical custody of the  
22 child’s parent or guardian and unless the child is placed with  
23 relatives, the child shall be placed in foster care in the county of  
24 residence of the child’s parent or guardian in order to facilitate  
25 reunification of the family.

26 (2) In the event that there are no appropriate placements  
27 available in the parent’s or guardian’s county of residence, a  
28 placement may be made in an appropriate place in another county,  
29 preferably a county located adjacent to the parent’s or guardian’s  
30 community of residence.

31 (3) Nothing in this section shall be interpreted as requiring  
32 multiple disruptions of the child’s placement corresponding to  
33 frequent changes of residence by the parent or guardian. In  
34 determining whether the child should be moved, the social worker  
35 shall take into consideration the potential harmful effects of  
36 disrupting the placement of the child and the parent’s or guardian’s  
37 reason for the move.

38 (4) When it has been determined that it is necessary for a child  
39 to be placed in a county other than the child’s parent’s or guardian’s  
40 county of residence, the specific reason the out-of-county

1 placement is necessary shall be documented in the child's case  
2 plan. If the reason the out-of-county placement is necessary is the  
3 lack of resources in the sending county to meet the specific needs  
4 of the child, those specific resource needs shall be documented in  
5 the case plan.

6 (5) When it has been determined that a child is to be placed out  
7 of county either in a group home or with a foster family agency  
8 for subsequent placement in a certified foster family home, and  
9 the sending county is to maintain responsibility for supervision  
10 and visitation of the child, the sending county shall develop a plan  
11 of supervision and visitation that specifies the supervision and  
12 visitation activities to be performed and specifies that the sending  
13 county is responsible for performing those activities. In addition  
14 to the plan of supervision and visitation, the sending county shall  
15 document information regarding any known or suspected dangerous  
16 behavior of the child that indicates the child may pose a safety  
17 concern in the receiving county. Upon implementation of the Child  
18 Welfare Services Case Management System, the plan of  
19 supervision and visitation, as well as information regarding any  
20 known or suspected dangerous behavior of the child, shall be made  
21 available to the receiving county upon placement of the child in  
22 the receiving county. If placement occurs on a weekend or holiday,  
23 the information shall be made available to the receiving county on  
24 or before the end of the next business day.

25 (6) When it has been determined that a child is to be placed out  
26 of county and the sending county plans that the receiving county  
27 shall be responsible for the supervision and visitation of the child,  
28 the sending county shall develop a formal agreement between the  
29 sending and receiving counties. The formal agreement shall specify  
30 the supervision and visitation to be provided the child, and shall  
31 specify that the receiving county is responsible for providing the  
32 supervision and visitation. The formal agreement shall be approved  
33 and signed by the sending and receiving counties prior to placement  
34 of the child in the receiving county. In addition, upon completion  
35 of the case plan, the sending county shall provide a copy of the  
36 completed case plan to the receiving county. The case plan shall  
37 include information regarding any known or suspected dangerous  
38 behavior of the child that indicates the child may pose a safety  
39 concern to the receiving county.

1 (h) Whenever the social worker must change the placement of  
2 the child and is unable to find a suitable placement within the  
3 county and must place the child outside the county, the placement  
4 shall not be made until he or she has served written notice on the  
5 parent or guardian at least 14 days prior to the placement, unless  
6 the child's health or well-being is endangered by delaying the  
7 action or would be endangered if prior notice were given. The  
8 notice shall state the reasons which require placement outside the  
9 county. The parent or guardian may object to the placement not  
10 later than seven days after receipt of the notice and, upon objection,  
11 the court shall hold a hearing not later than five days after the  
12 objection and prior to the placement. The court shall order  
13 out-of-county placement if it finds that the child's particular needs  
14 require placement outside the county.

15 (i) Where the court has ordered removal of the child from the  
16 physical custody of his or her parents pursuant to Section 361, the  
17 court shall consider whether the family ties and best interest of the  
18 child will be served by granting visitation rights to the child's  
19 grandparents. The court shall clearly specify those rights to the  
20 social worker.

21 (j) Where the court has ordered removal of the child from the  
22 physical custody of his or her parents pursuant to Section 361, the  
23 court shall consider whether there are any siblings under the court's  
24 jurisdiction, or any nondependent siblings in the physical custody  
25 of a parent subject to the court's jurisdiction, the nature of the  
26 relationship between the child and his or her siblings, the  
27 appropriateness of developing or maintaining the sibling  
28 relationships pursuant to Section 16002, and the impact of the  
29 sibling relationships on the child's placement and planning for  
30 legal permanence.

31 (k) (1) An agency shall ensure placement of a child in a home  
32 that, to the fullest extent possible, best meets the day-to-day needs  
33 of the child. A home that best meets the day-to-day needs of the  
34 child shall satisfy all of the following criteria:

35 (A) The child's caregiver is able to meet the day-to-day health,  
36 safety, and well-being needs of the child.

37 (B) The child's caregiver is permitted to maintain the least  
38 restrictive ~~and most family-like environment that~~ *family setting*  
39 *that promotes normal childhood experiences and serves the*  
40 day-to-day needs of the child.

1 (C) The child is permitted to engage in reasonable,  
2 age-appropriate day-to-day activities that promote ~~the most~~  
3 ~~family-like environment~~ *normal childhood experiences* for the  
4 foster child.

5 (2) The foster child's caregiver shall use a reasonable and  
6 prudent parent standard, as defined in paragraph (2) of subdivision  
7 (a) of Section 362.04, to determine day-to-day activities that are  
8 age appropriate to meet the needs of the child. Nothing in this  
9 section shall be construed to permit a child's caregiver to permit  
10 the child to engage in day-to-day activities that carry an  
11 unreasonable risk of harm, or subject the child to abuse or neglect.

12 (3) This section shall remain in effect only until January 1, 2017,  
13 and as of that date is repealed, unless a later enacted statute, that  
14 is enacted before January 1, 2017, deletes or extends that date.

15 ~~SEC. 41.~~

16 *SEC. 43.* Section 361.2 is added to the Welfare and Institutions  
17 Code, to read:

18 361.2. (a) When a court orders removal of a child pursuant to  
19 Section 361, the court shall first determine whether there is a parent  
20 of the child, with whom the child was not residing at the time that  
21 the events or conditions arose that brought the child within the  
22 provisions of Section 300, who desires to assume custody of the  
23 child. If that parent requests custody, the court shall place the child  
24 with the parent unless it finds that placement with that parent would  
25 be detrimental to the safety, protection, or physical or emotional  
26 well-being of the child. The fact that the parent is enrolled in a  
27 certified substance abuse treatment facility that allows a dependent  
28 child to reside with his or her parent shall not be, for that reason  
29 alone, prima facie evidence that placement with that parent would  
30 be detrimental.

31 (b) If the court places the child with that parent it may do any  
32 of the following:

33 (1) Order that the parent become legal and physical custodian  
34 of the child. The court may also provide reasonable visitation by  
35 the noncustodial parent. The court shall then terminate its  
36 jurisdiction over the child. The custody order shall continue unless  
37 modified by a subsequent order of the superior court. The order  
38 of the juvenile court shall be filed in any domestic relation  
39 proceeding between the parents.



1 (2) Order that the parent assume custody subject to the  
2 jurisdiction of the juvenile court and require that a home visit be  
3 conducted within three months. In determining whether to take  
4 the action described in this paragraph, the court shall consider any  
5 concerns that have been raised by the child's current caregiver  
6 regarding the parent. After the social worker conducts the home  
7 visit and files his or her report with the court, the court may then  
8 take the action described in paragraph (1), (3), or this paragraph.  
9 However, nothing in this paragraph shall be interpreted to imply  
10 that the court is required to take the action described in this  
11 paragraph as a prerequisite to the court taking the action described  
12 in either paragraph (1) or (3).

13 (3) Order that the parent assume custody subject to the  
14 supervision of the juvenile court. In that case the court may order  
15 that reunification services be provided to the parent or guardian  
16 from whom the child is being removed, or the court may order that  
17 services be provided solely to the parent who is assuming physical  
18 custody in order to allow that parent to retain later custody without  
19 court supervision, or that services be provided to both parents, in  
20 which case the court shall determine, at review hearings held  
21 pursuant to Section 366, which parent, if either, shall have custody  
22 of the child.

23 (c) The court shall make a finding either in writing or on the  
24 record of the basis for its determination under subdivisions (a) and  
25 (b).

26 (d) Part 6 (commencing with Section 7950) of Division 12 of  
27 the Family Code shall apply to the placement of a child pursuant  
28 to paragraphs (1) and (2) of subdivision (e).

29 (e) When the court orders removal pursuant to Section 361, the  
30 court shall order the care, custody, control, and conduct of the  
31 child to be under the supervision of the social worker who may  
32 place the child in any of the following:

33 (1) The home of a noncustodial parent as described in  
34 subdivision (a), regardless of the parent's immigration status.

35 (2) The approved home of a relative, regardless of the relative's  
36 immigration status.

37 (3) The approved home of a nonrelative extended family  
38 member as defined in Section 362.7.

39 (4) The approved home of a resource family as defined in  
40 Section 16519.5.

1 (5) A foster home considering first a foster home in which the  
2 child has been placed before an interruption in foster care, if that  
3 placement is in the best interest of the child and space is available.

4 (6) A home or facility in accordance with the federal Indian  
5 Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).

6 (7) A suitable licensed community care facility, except a  
7 runaway and homeless youth shelter licensed by the State  
8 Department of Social Services pursuant to Section 1502.35 of the  
9 Health and Safety Code.

10 (8) With a foster family agency that meets the mental health  
11 certification requirements of Section 11462.01, to be placed in a  
12 suitable family home certified by the agency as meeting licensing  
13 standards.

14 (9) A child of any age who is placed in a community care facility  
15 licensed as a group home for children or a short-term residential  
16 treatment center as defined in subdivision (ad) of Section 11400,  
17 shall have a case plan that indicates that placement is for purposes  
18 of providing short term, specialized, and intensive treatment for  
19 the child, the case plan specifies the need for, nature of, and  
20 anticipated duration of this treatment, pursuant to paragraph (2)  
21 of subdivision (c) of Section 16501.1, and the case plan includes  
22 transitioning the child to a less restrictive environment and the  
23 projected timeline by which the child will be transitioned to a less  
24 restrictive environment; and the placement is approved by the  
25 deputy director or director of the county child welfare department  
26 or an assistant chief probation officer or chief probation officer of  
27 the county probation department.

28 (A) A child under six years of age shall not be placed in a  
29 community care facility licensed as a group home for children, or  
30 a temporary shelter care facility as defined in Section 1530.8 of  
31 the Health and Safety Code, except under the following  
32 circumstances:

33 (i) When the facility meets the applicable regulations adopted  
34 under Section 1530.8 of the Health and Safety Code and standards  
35 developed pursuant to Section 11467.1 of this code, and the deputy  
36 director or director of the county child welfare department or an  
37 assistant chief probation officer or chief probation officer of the  
38 county probation department has approved the case plan.

39 (ii) The short term, specialized, and intensive treatment period  
40 shall not exceed 120 days, unless the county has made progress

1 toward or is actively working toward implementing the case plan  
2 that identifies the services or supports necessary to transition the  
3 child to a family setting, circumstances beyond the county's control  
4 have prevented the county from obtaining those services or  
5 supports within the timeline documented in the case plan, and the  
6 need for additional time pursuant to the case plan is documented  
7 by the caseworker and approved by a deputy director or director  
8 of the county child welfare department or an assistant chief  
9 probation officer or chief probation officer of the county probation  
10 department.

11 (iii) To the extent that placements pursuant to this paragraph  
12 are extended beyond an initial 120 days, the requirements of  
13 clauses (i) and (ii) shall apply to each extension. In addition, the  
14 deputy director or director of the county child welfare department  
15 or an assistant chief probation officer or chief probation officer of  
16 the county probation department shall approve the continued  
17 placement no less frequently than every 60 days.

18 (iv) In addition, when a case plan indicates that placement is  
19 for purposes of providing family reunification services. The facility  
20 shall offer family reunification services that meet the needs of the  
21 individual child and his or her family, permit parents to have  
22 reasonable access to their children 24 hours a day, encourage  
23 extensive parental involvement in meeting the daily needs of their  
24 children, and employ staff trained to provide family reunification  
25 services. In addition, one of the following conditions exists:

26 (I) The child's parent is also a ward of the court and resides in  
27 the facility.

28 (II) The child's parent is participating in a treatment program  
29 affiliated with the facility and the child's placement in the facility  
30 facilitates the coordination and provision of reunification services.

31 (III) Placement in the facility is the only alternative that permits  
32 the parent to have daily 24-hour access to the child in accordance  
33 with the case plan, to participate fully in meeting all of the daily  
34 needs of the child, including feeding and personal hygiene, and to  
35 have access to necessary reunification services.

36 (B) A child who is 6 to 12 years of age, inclusive, may be placed  
37 in a community care facility licensed as a group home for children  
38 or a short-term residential treatment center under the following  
39 conditions.

1 (i) The ~~short-term~~, *short-term*, specialized, and intensive  
2 treatment period shall not exceed six months, unless the county  
3 has made progress or is actively working toward implementing  
4 the case plan that identifies the services or supports necessary to  
5 transition the child to a family setting, circumstances beyond the  
6 county's control have prevented the county from obtaining those  
7 services or supports within the timeline documented in the case  
8 plan, and the need for additional time pursuant to the case plan is  
9 documented by the caseworker and approved by a deputy director  
10 or director of the county child welfare department or an assistant  
11 chief probation officer or chief probation officer of the county  
12 probation department.

13 (ii) To the extent that placements pursuant to this paragraph are  
14 extended beyond an initial six months, the requirements of this  
15 subparagraph shall apply to each extension. In addition, the deputy  
16 director or director of the county child welfare department or an  
17 assistant chief probation officer or chief probation officer of the  
18 county probation department shall approve the continued placement  
19 no less frequently than every 60 days.

20 (10) Any child placed in a short-term residential treatment center  
21 shall be either of the following:

22 (A) A child who has been assessed as meeting one of the  
23 placement requirements set forth in subdivisions (d) and (e) of  
24 Section 11462.01.

25 (B) A child under 6 years of age who is placed with his or her  
26 minor parent or for the purpose of reunification pursuant to clause  
27 (iv) of subparagraph (A) of paragraph (9).

28 (11) Nothing in this subdivision shall be construed to allow a  
29 social worker to place any dependent child outside the United  
30 States, except as specified in subdivision (f).

31 (f) (1) A child under the supervision of a social worker pursuant  
32 to subdivision (e) shall not be placed outside the United States  
33 prior to a judicial finding that the placement is in the best interest  
34 of the child, except as required by federal law or treaty.

35 (2) The party or agency requesting placement of the child outside  
36 the United States shall carry the burden of proof and shall show,  
37 by clear and convincing evidence, that placement outside the  
38 United States is in the best interest of the child.

39 (3) In determining the best interest of the child, the court shall  
40 consider, but not be limited to, the following factors:

1 (A) Placement with a relative.

2 (B) Placement of siblings in the same home.

3 (C) Amount and nature of any contact between the child and  
4 the potential guardian or caretaker.

5 (D) Physical and medical needs of the dependent child.

6 (E) Psychological and emotional needs of the dependent child.

7 (F) Social, cultural, and educational needs of the dependent  
8 child.

9 (G) Specific desires of any dependent child who is 12 years of  
10 age or older.

11 (4) If the court finds that a placement outside the United States  
12 is, by clear and convincing evidence, in the best interest of the  
13 child, the court may issue an order authorizing the social worker  
14 to make a placement outside the United States. A child subject to  
15 this subdivision shall not leave the United States prior to the  
16 issuance of the order described in this paragraph.

17 (5) For purposes of this subdivision, “outside the United States”  
18 shall not include the lands of any federally recognized American  
19 Indian tribe or Alaskan Natives.

20 (6) This subdivision shall not apply to the placement of a  
21 dependent child with a parent pursuant to subdivision (a).

22 (g) (1) If the child is taken from the physical custody of the  
23 child’s parent or guardian and unless the child is placed with  
24 relatives, the child shall be placed in foster care in the county of  
25 residence of the child’s parent or guardian in order to facilitate  
26 reunification of the family.

27 (2) In the event that there are no appropriate placements  
28 available in the parent’s or guardian’s county of residence, a  
29 placement may be made in an appropriate place in another county,  
30 preferably a county located adjacent to the parent’s or guardian’s  
31 community of residence.

32 (3) Nothing in this section shall be interpreted as requiring  
33 multiple disruptions of the child’s placement corresponding to  
34 frequent changes of residence by the parent or guardian. In  
35 determining whether the child should be moved, the social worker  
36 shall take into consideration the potential harmful effects of  
37 disrupting the placement of the child and the parent’s or guardian’s  
38 reason for the move.

39 (4) When it has been determined that it is necessary for a child  
40 to be placed in a county other than the child’s parent’s or guardian’s

1 county of residence, the specific reason the out-of-county  
2 placement is necessary shall be documented in the child's case  
3 plan. If the reason the out-of-county placement is necessary is the  
4 lack of resources in the sending county to meet the specific needs  
5 of the child, those specific resource needs shall be documented in  
6 the case plan.

7 (5) When it has been determined that a child is to be placed out  
8 of county either in a group home or with a foster family agency  
9 for subsequent placement in a certified foster family home, and  
10 the sending county is to maintain responsibility for supervision  
11 and visitation of the child, the sending county shall develop a plan  
12 of supervision and visitation that specifies the supervision and  
13 visitation activities to be performed and specifies that the sending  
14 county is responsible for performing those activities. In addition  
15 to the plan of supervision and visitation, the sending county shall  
16 document information regarding any known or suspected dangerous  
17 behavior of the child that indicates the child may pose a safety  
18 concern in the receiving county. Upon implementation of the Child  
19 Welfare Services Case Management System, the plan of  
20 supervision and visitation, as well as information regarding any  
21 known or suspected dangerous behavior of the child, shall be made  
22 available to the receiving county upon placement of the child in  
23 the receiving county. If placement occurs on a weekend or holiday,  
24 the information shall be made available to the receiving county on  
25 or before the end of the next business day.

26 (6) When it has been determined that a child is to be placed out  
27 of county and the sending county plans that the receiving county  
28 shall be responsible for the supervision and visitation of the child,  
29 the sending county shall develop a formal agreement between the  
30 sending and receiving counties. The formal agreement shall specify  
31 the supervision and visitation to be provided the child, and shall  
32 specify that the receiving county is responsible for providing the  
33 supervision and visitation. The formal agreement shall be approved  
34 and signed by the sending and receiving counties prior to placement  
35 of the child in the receiving county. In addition, upon completion  
36 of the case plan, the sending county shall provide a copy of the  
37 completed case plan to the receiving county. The case plan shall  
38 include information regarding any known or suspected dangerous  
39 behavior of the child that indicates the child may pose a safety  
40 concern to the receiving county.

(h) Whenever the social worker must change the placement of the child and is unable to find a suitable placement within the county and must place the child outside the county, the placement shall not be made until he or she has served written notice on the parent or guardian at least 14 days prior to the placement, unless the child's health or well-being is endangered by delaying the action or would be endangered if prior notice were given. The notice shall state the reasons which require placement outside the county. The parent or guardian may object to the placement not later than seven days after receipt of the notice and, upon objection, the court shall hold a hearing not later than five days after the objection and prior to the placement. The court shall order out-of-county placement if it finds that the child's particular needs require placement outside the county.

(i) If the court has ordered removal of the child from the physical custody of his or her parents pursuant to Section 361, the court shall consider whether the family ties and best interest of the child will be served by granting visitation rights to the child's grandparents. The court shall clearly specify those rights to the social worker.

(j) If the court has ordered removal of the child from the physical custody of his or her parents pursuant to Section 361, the court shall consider whether there are any siblings under the court's jurisdiction, or any nondependent siblings in the physical custody of a parent subject to the court's jurisdiction, the nature of the relationship between the child and his or her siblings, the appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002, and the impact of the sibling relationships on the child's placement and planning for legal permanence.

(k) (1) An agency shall ensure placement of a child in a home that, to the fullest extent possible, best meets the day-to-day needs of the child. A home that best meets the day-to-day needs of the child shall satisfy all of the following criteria:

(A) The child's caregiver is able to meet the day-to-day health, safety, and well-being needs of the child.

(B) The child's caregiver is permitted to maintain the least restrictive ~~and most family-like environment~~ *family setting that promotes normal childhood experiences and* that serves the day-to-day needs of the child.

1 (C) The child is permitted to engage in reasonable,  
2 age-appropriate day-to-day activities that promote ~~the most~~  
3 ~~family-like environment~~ *normal childhood experiences* for the  
4 foster child.

5 (2) The foster child's caregiver shall use a reasonable and  
6 prudent parent standard, as defined in paragraph (2) of subdivision  
7 (a) of Section 362.04, to determine day-to-day activities that are  
8 age appropriate to meet the needs of the child. Nothing in this  
9 section shall be construed to permit a child's caregiver to permit  
10 the child to engage in day-to-day activities that carry an  
11 unreasonable risk of harm, or subject the child to abuse or neglect.

12 (l) This section shall become operative on January 1, 2017.

13 ~~SEC. 42.~~

14 *SEC. 44.* Section 706.6 of the Welfare and Institutions Code  
15 is amended to read:

16 706.6. (a) Services to minors are best provided in a framework  
17 that integrates service planning and delivery among multiple  
18 service systems, including the mental health system, using a  
19 team-based approach, such as a child and family team. A child  
20 and family team brings together individuals that engage with the  
21 child or youth and family in assessing, planning, and delivering  
22 services. Use of a team approach increases efficiency, and thus  
23 reduces cost, by increasing coordination of formal services and  
24 integrating the natural and informal supports available to the child  
25 or youth and family.

26 (b) (1) For the purposes of this section, "child and family team"  
27 has the same meaning as in paragraph (4) of subdivision (a) of  
28 Section 16501.

29 (2) The case plan shall be developed in collaboration with the  
30 child and family team. The agency shall consider the  
31 recommendations of the child and family team. The agency shall  
32 document the rationale for any inconsistencies between the case  
33 plan and the child and family team recommendations.

34 (c) A case plan prepared as required by Section 706.5 shall be  
35 submitted to the court. It shall either be attached to the social study  
36 or incorporated as a separate section within the social study. The  
37 case plan shall include, but not be limited to, the following  
38 information:



1 (1) A description of the circumstances that resulted in the minor  
2 being placed under the supervision of the probation department  
3 and in foster care.

4 (2) A preplacement assessment of the minor's and family's  
5 strengths and service needs documentation that preplacement  
6 preventive services have been provided, and that reasonable efforts  
7 to prevent out-of-home placement have been made. The assessment  
8 shall include the type of placement best equipped to meet those  
9 needs.

10 (3) (A) A description of the type of home or institution in which  
11 the minor is to be placed, and the reasons for that placement  
12 decision, including a discussion of the safety and appropriateness  
13 of the placement, including the recommendations of the child and  
14 family team, if available.

15 (B) An appropriate placement is a placement in the least  
16 restrictive, most family-like environment, in closest proximity to  
17 the minor's home, that meets the minor's best interests and special  
18 needs.

19 (d) The following shall apply:

20 (1) The agency selecting a placement shall consider, in order  
21 of priority:

22 (A) Placement with relatives, nonrelated extended family  
23 members, and tribal members.

24 (B) Foster family homes and ~~non-treatment~~ certified homes *or*  
25 *resource families* of foster family agencies.

26 (C) Treatment and intensive treatment certified homes *or*  
27 *resource families* of foster family agencies, or multidimensional  
28 treatment foster homes or therapeutic foster care homes.

29 (D) Group care placements in the following order:

30 (i) Short-term residential treatment centers.

31 (ii) Group homes.

32 (iii) Community treatment facilities.

33 (iv) Out-of-state residential treatment pursuant to Part 5  
34 (commencing with Section 7900) of Division 12 of the Family  
35 Code.

36 (2) A minor may be placed into a community care facility  
37 licensed as a short-term residential treatment center, as defined in  
38 subdivision (ad) of Section 11400, provided the case plan indicates  
39 that the placement is for the purposes of providing short-term,  
40 specialized, and intensive treatment for the minor, the case plan

1 specifies the need for, nature of, and anticipated duration of this  
2 treatment, and the case plan includes transitioning the minor to a  
3 less restrictive environment and the projected timeline by which  
4 the minor will be transitioned to a less restrictive environment.

5 (e) Effective January 1, 2010, a case plan shall ensure the  
6 educational stability of the child while in foster care and shall  
7 include both of the following:

8 (1) Assurances that the placement takes into account the  
9 appropriateness of the current educational setting and the proximity  
10 to the school in which the child is enrolled at the time of placement.

11 (2) An assurance that the placement agency has coordinated  
12 with appropriate local educational agencies to ensure that the child  
13 remains in the school in which the child is enrolled at the time of  
14 placement, or, if remaining in that school is not in the best interests  
15 of the child, assurances by the placement agency and the local  
16 educational agency to provide immediate and appropriate  
17 enrollment in a new school and to provide all of the child's  
18 educational records to the new school.

19 (f) Specific time-limited goals and related activities designed  
20 to enable the safe return of the minor to his or her home, or in the  
21 event that return to his or her home is not possible, activities  
22 designed to result in permanent placement or emancipation.  
23 Specific responsibility for carrying out the planned activities shall  
24 be assigned to one or more of the following:

25 (1) The probation department.

26 (2) The minor's parent or parents or legal guardian or guardians,  
27 as applicable.

28 (3) The minor.

29 (4) The foster parents or licensed agency providing foster care.

30 (g) The projected date of completion of the case plan objectives  
31 and the date services will be terminated.

32 (h) (1) Scheduled visits between the minor and his or her family  
33 and an explanation if no visits are made.

34 (2) Whether the child has other siblings, and, if any siblings  
35 exist, all of the following:

36 (A) The nature of the relationship between the child and his or  
37 her siblings.

38 (B) The appropriateness of developing or maintaining the sibling  
39 relationships pursuant to Section 16002.

1 (C) If the siblings are not placed together in the same home,  
2 why the siblings are not placed together and what efforts are being  
3 made to place the siblings together, or why those efforts are not  
4 appropriate.

5 (D) If the siblings are not placed together, all of the following:

6 (i) The frequency and nature of the visits between the siblings.

7 (ii) If there are visits between the siblings, whether the visits  
8 are supervised or unsupervised. If the visits are supervised, a  
9 discussion of the reasons why the visits are supervised, and what  
10 needs to be accomplished in order for the visits to be unsupervised.

11 (iii) If there are visits between the siblings, a description of the  
12 location and length of the visits.

13 (iv) Any plan to increase visitation between the siblings.

14 (E) The impact of the sibling relationships on the child's  
15 placement and planning for legal permanence.

16 (F) The continuing need to suspend sibling interaction, if  
17 applicable, pursuant to subdivision (c) of Section 16002.

18 (3) The factors the court may consider in making a determination  
19 regarding the nature of the child's sibling relationships may  
20 include, but are not limited to, whether the siblings were raised  
21 together in the same home, whether the siblings have shared  
22 significant common experiences or have existing close and strong  
23 bonds, whether either sibling expresses a desire to visit or live with  
24 his or her sibling, as applicable, and whether ongoing contact is  
25 in the child's best emotional interests.

26 (i) (1) When placement is made in a foster family home, group  
27 home, or other child care institution that is either a substantial  
28 distance from the home of the minor's parent or legal guardian or  
29 out-of-state, the case plan shall specify the reasons why the  
30 placement is the most appropriate and is in the best interest of the  
31 minor.

32 (2) When an out-of-state group home placement is recommended  
33 or made, the case plan shall comply with Section 727.1 and Section  
34 7911.1 of the Family Code. In addition, documentation of the  
35 recommendation of the multidisciplinary team and the rationale  
36 for this particular placement shall be included. The case plan shall  
37 also address what in-state services or facilities were used or  
38 considered and why they were not recommended.

1 (j) If applicable, efforts to make it possible to place siblings  
2 together, unless it has been determined that placement together is  
3 not in the best interest of one or more siblings.

4 (k) A schedule of visits between the minor and the probation  
5 officer, including a monthly visitation schedule for those children  
6 placed in group homes.

7 (l) Health and education information about the minor, school  
8 records, immunizations, known medical problems, and any known  
9 medications the minor may be taking, names and addresses of the  
10 minor's health and educational providers; the minor's grade level  
11 performance; assurances that the minor's placement in foster care  
12 takes into account proximity to the school in which the minor was  
13 enrolled at the time of placement; and other relevant health and  
14 educational information.

15 (m) When out-of-home services are used and the goal is  
16 reunification, the case plan shall describe the services that were  
17 provided to prevent removal of the minor from the home, those  
18 services to be provided to assist in reunification and the services  
19 to be provided concurrently to achieve legal permanency if efforts  
20 to reunify fail.

21 (n) The updated case plan prepared for a permanency planning  
22 hearing shall include a recommendation for a permanent plan for  
23 the minor. If, after considering reunification, adoptive placement,  
24 legal guardianship, or permanent placement with a fit and willing  
25 relative the probation officer recommends placement in a planned  
26 permanent living arrangement, the case plan shall include  
27 documentation of a compelling reason or reasons why termination  
28 of parental rights is not in the minor's best interest. For purposes  
29 of this subdivision, a "compelling reason" shall have the same  
30 meaning as in subdivision (c) of Section 727.3.

31 (o) Each updated case plan shall include a description of the  
32 services that have been provided to the minor under the plan and  
33 an evaluation of the appropriateness and effectiveness of those  
34 services.

35 (p) A statement that the parent or legal guardian, and the minor  
36 have had an opportunity to participate in the development of the  
37 case plan, to review the case plan, to sign the case plan, and to  
38 receive a copy of the plan, or an explanation about why the parent,  
39 legal guardian, or minor was not able to participate or sign the case  
40 plan.

1 (q) For a minor in out-of-home care who is 16 years of age or  
2 older, a written description of the programs and services, which  
3 will help the minor prepare for the transition from foster care to  
4 independent living.

5 ~~SEC. 43.~~

6 *SEC. 45.* Section 727 of the Welfare and Institutions Code is  
7 amended to read:

8 727. (a) (1) If a minor or nonminor is adjudged a ward of the  
9 court on the ground that he or she is a person described by Section  
10 601 or 602, the court may make any reasonable orders for the care,  
11 supervision, custody, conduct, maintenance, and support of the  
12 minor or nonminor, including medical treatment, subject to further  
13 order of the court.

14 (2) In the discretion of the court, a ward may be ordered to be  
15 on probation without supervision of the probation officer. The  
16 court, in so ordering, may impose on the ward any and all  
17 reasonable conditions of behavior as may be appropriate under  
18 this disposition. A minor or nonminor who has been adjudged a  
19 ward of the court on the basis of the commission of any of the  
20 offenses described in subdivision (b) or paragraph (2) of  
21 subdivision (d) of Section 707, Section 459 of the Penal Code, or  
22 subdivision (a) of Section 11350 of the Health and Safety Code,  
23 shall not be eligible for probation without supervision of the  
24 probation officer. A minor or nonminor who has been adjudged a  
25 ward of the court on the basis of the commission of any offense  
26 involving the sale or possession for sale of a controlled substance,  
27 except misdemeanor offenses involving marijuana, as specified in  
28 Chapter 2 (commencing with Section 11053) of Division 10 of the  
29 Health and Safety Code, or of an offense in violation of Section  
30 32625 of the Penal Code, shall be eligible for probation without  
31 supervision of the probation officer only when the court determines  
32 that the interests of justice would best be served and states reasons  
33 on the record for that determination.

34 (3) In all other cases, the court shall order the care, custody, and  
35 control of the minor or nonminor to be under the supervision of  
36 the probation officer.

37 (4) It is the sole responsibility *pursuant to 42 U.S.C. Section*  
38 *672(a)(2)(B)* of the probation agency to determine the appropriate  
39 placement for the ward once the court issues a placement order.  
40 In determination of the appropriate placement for the ward, the

1 probation officer shall consider the recommendations of the child  
2 and family team and shall document the rationale for any  
3 inconsistencies between the child and family team  
4 recommendations and the final placement of the ward. The  
5 probation agency may place the minor or nonminor in any of the  
6 following:

7 (A) The approved home of a relative or the approved home of  
8 a nonrelative, extended family member, as defined in Section  
9 362.7. If a decision has been made to place the minor in the home  
10 of a relative, the court may authorize the relative to give legal  
11 consent for the minor's medical, surgical, and dental care and  
12 education as if the relative caretaker were the custodial parent of  
13 the minor.

14 (B) A foster home, the approved home of a resource family as  
15 defined in Section 16519.5, or a home or facility in accordance  
16 with the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901  
17 et seq.).

18 (C) A suitable licensed community care facility, as identified  
19 by the probation officer, except a runaway and homeless youth  
20 shelter licensed by the State Department of Social Services  
21 pursuant to Section 1502.35 of the Health and Safety Code.

22 (D) A foster family agency, as defined in paragraph (4) of  
23 subdivision (a) of Section 1502 of the Health and Safety Code, in  
24 a suitable program in a family home, which has been certified by  
25 the agency as meeting licensing standards. If placement is in a  
26 treatment program, the requirements of Section 11462.01 shall be  
27 met.

28 (E) Commencing January 1, 2017, a minor or nonminor  
29 dependent may be placed in a short-term residential treatment  
30 center as defined in paragraph (18) of subdivision (a) of Section  
31 1502 of the Health and Safety Code, or a foster family agency, as  
32 defined in paragraph (4) of subdivision (a) of Section 1502 of the  
33 Health and Safety Code, ~~that provides treatment services, provided~~  
34 ~~that the requirements of Section 11462.01 are met. Code.~~

35 (F) With a foster family agency to be placed in a suitable  
36 licensed foster family home or certified family home that has been  
37 certified by the agency as meeting licensing standards.

38 (G) (i) Every minor adjudged a ward of the juvenile court shall  
39 be entitled to participate in age-appropriate extracurricular,  
40 enrichment, and social activities. A state or local regulation or

1 policy shall not prevent, or create barriers to, participation in those  
2 activities. Each state and local entity shall ensure that private  
3 agencies that provide foster care services to wards have policies  
4 consistent with this section and that those agencies promote and  
5 protect the ability of wards to participate in age-appropriate  
6 extracurricular, enrichment, and social activities. A group home  
7 administrator, a facility manager, or his or her responsible designee,  
8 and a caregiver, as defined in paragraph (1) of subdivision (a) of  
9 Section 362.04, shall use a reasonable and prudent parent standard,  
10 as defined in paragraph (2) of subdivision (a) of Section 362.04,  
11 in determining whether to give permission for a minor residing in  
12 foster care to participate in extracurricular, enrichment, and social  
13 activities. A group home administrator, a facility manager, or his  
14 or her responsible designee, and a caregiver shall take reasonable  
15 steps to determine the appropriateness of the activity taking into  
16 consideration the minor's age, maturity, and developmental level.

17 (ii) A group home administrator or a facility manager, or his or  
18 her responsible designee, is encouraged to consult with social work  
19 or treatment staff members who are most familiar with the minor  
20 at the group home in applying and using the reasonable and prudent  
21 parent standard.

22 (H) For nonminors, an approved supervised independent living  
23 setting as defined in Section 11400, including a residential housing  
24 unit certified by a licensed transitional housing placement provider.

25 (5) The minor or nonminor shall be released from juvenile  
26 detention upon an order being entered under paragraph (3), unless  
27 the court determines that a delay in the release from detention is  
28 reasonable pursuant to Section 737.

29 (b) (1) To facilitate coordination and cooperation among  
30 agencies, the court may, at any time after a petition has been filed,  
31 after giving notice and an opportunity to be heard, join in the  
32 juvenile court proceedings any agency that the court determines  
33 has failed to meet a legal obligation to provide services to a minor,  
34 for whom a petition has been filed under Section 601 or 602, to a  
35 nonminor, as described in Section 303, or to a nonminor dependent,  
36 as defined in subdivision (v) of Section 11400. In any proceeding  
37 in which an agency is joined, the court shall not impose duties  
38 upon the agency beyond those mandated by law. The purpose of  
39 joinder under this section is to ensure the delivery and coordination  
40 of legally mandated services to the minor. The joinder shall not

1 be maintained for any other purpose. Nothing in this section shall  
2 prohibit agencies that have received notice of the hearing on joinder  
3 from meeting prior to the hearing to coordinate services.

4 (2) The court has no authority to order services unless it has  
5 been determined through the administrative process of an agency  
6 that has been joined as a party, that the minor, nonminor, or  
7 nonminor dependent is eligible for those services. With respect to  
8 mental health assessment, treatment, and case management services  
9 pursuant to an individualized education program developed  
10 pursuant to Article 2 (commencing with Section 56320) of Chapter  
11 4 of Part 30 of Division 4 of Title 2 of the Education Code, the  
12 court's determination shall be limited to whether the agency has  
13 complied with that chapter.

14 (3) For the purposes of this subdivision, "agency" means any  
15 governmental agency or any private service provider or individual  
16 that receives federal, state, or local governmental funding or  
17 reimbursement for providing services directly to a child, nonminor,  
18 or nonminor dependent.

19 (c) If a minor has been adjudged a ward of the court on the  
20 ground that he or she is a person described in Section 601 or 602,  
21 and the court finds that notice has been given in accordance with  
22 Section 661, and if the court orders that a parent or guardian shall  
23 retain custody of that minor either subject to or without the  
24 supervision of the probation officer, the parent or guardian may  
25 be required to participate with that minor in a counseling or  
26 education program, including, but not limited to, parent education  
27 and parenting programs operated by community colleges, school  
28 districts, or other appropriate agencies designated by the court.

29 (d) The juvenile court may direct any reasonable orders to the  
30 parents and guardians of the minor who is the subject of any  
31 proceedings under this chapter as the court deems necessary and  
32 proper to carry out subdivisions (a), (b), and (c), including orders  
33 to appear before a county financial evaluation officer, to ensure  
34 the minor's regular school attendance, and to make reasonable  
35 efforts to obtain appropriate educational services necessary to meet  
36 the needs of the minor.

37 If counseling or other treatment services are ordered for the  
38 minor, the parent, guardian, or foster parent shall be ordered to  
39 participate in those services, unless participation by the parent,



guardian, or foster parent is deemed by the court to be inappropriate or potentially detrimental to the minor.

~~SEC. 44.~~

*SEC. 46.* Section 727.1 of the Welfare and Institutions Code is amended to read:

727.1. (a) When the court orders the care, custody, and control of the minor to be under the supervision of the probation officer for foster care placement pursuant to subdivision (a) of Section 727, the decision regarding choice of placement shall be based upon selection of a safe setting that is the least restrictive or most family like, and the most appropriate setting that is ~~available and~~ *available*, in close proximity to the parent's home, consistent with the selection of the environment best suited to meet the minor's special needs and best interests. The selection shall consider, in order of priority, placement with relatives, tribal members, and foster family, group care, and residential treatment pursuant to Section 7950 of the Family Code.

(b) Unless otherwise authorized by law, the court may not order the placement of a minor who is adjudged a ward of the court on the basis that he or she is a person described by either Section 601 or 602 in a private residential facility or program that provides 24-hour supervision, outside of the state, unless the court finds, in its order of placement, that all of the following conditions are met:

(1) In-state facilities or programs have been determined to be unavailable or inadequate to meet the needs of the minor.

(2) The State Department of Social Services or its designee has performed initial and continuing inspection of the out-of-state residential facility or program and has either certified that the facility or program meets the greater of all licensure standards required of group homes or of short-term residential treatment centers operated in California, or that the department has granted a waiver to a specific licensing standard upon a finding that there exists no adverse impact to health and safety, pursuant to subdivision (c) of Section 7911.1 of the Family Code.

(3) The requirements of Section 7911.1 of the Family Code are met.

(c) If, upon inspection, the probation officer of the county in which the minor is adjudged a ward of the court determines that the out-of-state facility or program is not in compliance with the standards required under paragraph (2) of subdivision (b) or has

1 an adverse impact on the health and safety of the minor, the  
2 probation officer may temporarily remove the minor from the  
3 facility or program. The probation officer shall promptly inform  
4 the court of the minor's removal, and shall return the minor to the  
5 court for a hearing to review the suitability of continued out-of-state  
6 placement. The probation officer shall, within one business day  
7 of removing the minor, notify the State Department of Social  
8 Services' Compact Administrator, and, within five working days,  
9 submit a written report of the findings and actions taken.

10 (d) The court shall review each of these placements for  
11 compliance with the requirements of subdivision (b) at least once  
12 every six months.

13 (e) The county shall not be entitled to receive or expend any  
14 public funds for the placement of a minor in an out-of-state group  
15 home or short-term residential treatment center, unless the  
16 conditions of subdivisions (b) and (d) are met.

17 ~~SEC. 45.~~

18 *SEC. 47.* Section 827.11 is added to the Welfare and Institutions  
19 Code, to read:

20 827.11. (a) The Legislature finds and declares all of the  
21 following:

22 (1) It is the intent of the Legislature to ensure quality care for  
23 children and youth who are placed in the continuum of foster care  
24 settings.

25 (2) Attracting and retaining quality caregivers is critical to  
26 achieving positive outcomes for children, youth, and families, and  
27 to ensuring the success of child welfare improvement efforts.

28 (3) Quality caregivers strengthen foster care by ensuring that a  
29 foster or relative family caring for a child provides the loving,  
30 committed, and skilled care that the child needs, while working  
31 effectively with the child welfare system to reach the child's goals.

32 (4) Caregivers who are informed of the child's educational,  
33 medical, dental, and mental health history and current needs are  
34 better able to meet those needs and address the effects of trauma,  
35 increasing placement stability and improving permanency  
36 outcomes.

37 (5) Sharing necessary information with the caregiver is a critical  
38 component of effective service delivery for children and youth in  
39 foster care.

1 (b) Therefore, consistent with state and federal law, information  
2 shall be provided to a caregiver regarding the child's or youth's  
3 educational, medical, dental, and mental health history and current  
4 needs.

5 (c) This section is declaratory of existing law and is not intended  
6 to impose a new program or higher level of service upon any local  
7 agency. It is intended, however, that this restatement of existing  
8 law should engender a renewed sense of commitment to engaging  
9 foster parents in order to provide quality care to children and youth  
10 in foster care.

11 (d) No later than January 1, 2017, the department shall consult  
12 with representatives of the County Counsels' Association of  
13 California, County Welfare Directors Association of California,  
14 and stakeholders to develop regulations or identify policy changes  
15 necessary to allow for the sharing of information as described in  
16 this section.

17 ~~SEC. 46.~~

18 *SEC. 48.* Section 831 is added to the Welfare and Institutions  
19 Code, to read:

20 831. (a) (1) To promote more effective communication needed  
21 for the development of a plan to address the needs of the child or  
22 youth and family, a person designated as a member of a child and  
23 family team as defined in paragraph (4) of subdivision (a) of  
24 Section 16501 may receive and disclose relevant information and  
25 records, subject to the confidentiality provisions of state and federal  
26 law.

27 (2) Information exchanged among the team shall be received  
28 in confidence for the limited purpose of providing necessary  
29 services and supports to the child or youth and family and shall  
30 not be further disclosed except to the juvenile court with  
31 jurisdiction over the child or as otherwise required by law. Civil  
32 and criminal penalties may apply to the inappropriate disclosure  
33 of information held by the team.

34 (b) (1) Each participant in the child and family team with legal  
35 power to consent shall sign an authorization to release information  
36 to team members. In the event that a child or youth who is a  
37 dependent or ward of the juvenile court does not have the legal  
38 power to consent to the release of information, the child's attorney  
39 or other authorized individual may consent on behalf of the child.

(2) Authorization to release information shall be in writing and shall comply with all other applicable state law governing release of medical, mental health, social service, and educational records, and that covers identified team members, including service providers, in order to permit the release of records to the team.

(3) This authorization shall not include release of adoption records.

(4) The knowing and informed consent to release information given pursuant to this section shall only be in force for the time that the child or youth, or family, or nonminor dependent, is participating in the child and family team.

(c) Upon obtaining the authorization to release information as described in subdivision (b), relevant information and records may be shared with members of the team. If the team determines that the disclosure of information would present a reasonable risk of a significant adverse or detrimental effect on the child's or youth's psychological or physical safety, the information shall not be released.

(d) Information and records communicated or provided to the team, by all providers, programs, and agencies, as well as information and records created by the team in the course of serving its children, youth, and their families, shall be deemed private and confidential and shall be protected from discovery and disclosure by all applicable statutory and common law. Nothing in this section shall be construed to affect the authority of a health care provider to disclose medical information pursuant to paragraph (1) of subdivision (c) of Section 56.10 of the Civil Code.

(e) If the child welfare agency files or records, or any portions thereof, are privileged or confidential, pursuant to any other state law, except Section 827, or federal law or regulation, the requirements of that state law or federal law or regulation prohibiting or limiting release of the child welfare agency files or records, or any portions thereof, shall prevail.

(f) All discussions during team meetings are confidential unless disclosure is required by law. Notwithstanding any other law, testimony concerning any team meeting discussion is not admissible in any criminal or civil proceeding except as provided in paragraph (2) of subdivision (a).

(g) As used in this section, "privileged information" means any information subject to a privilege pursuant to Division 8

1 (commencing with Section 900) of the Evidence Code. Disclosure  
2 of otherwise privileged information to team members shall not be  
3 construed to waive the privilege.

4 ~~SEC. 47.~~

5 *SEC. 49.* Section 4094.2 of the Welfare and Institutions Code  
6 is amended to read:

7 4094.2. (a) For the purpose of establishing payment rates for  
8 community treatment facility programs, the private nonprofit  
9 agencies selected to operate these programs shall prepare a budget  
10 that covers the total costs of providing residential care and  
11 supervision and mental health services for their proposed programs.  
12 These costs shall include categories that are allowable under  
13 California's Foster Care program and existing programs for mental  
14 health services. They shall not include educational, nonmental  
15 health medical, and dental costs.

16 (b) Each agency operating a community treatment facility  
17 program shall negotiate a final budget with the local mental health  
18 department in the county in which its facility is located (the host  
19 county) and other local agencies, as appropriate. This budget  
20 agreement shall specify the types and level of care and services to  
21 be provided by the community treatment facility program and a  
22 payment rate that fully covers the costs included in the negotiated  
23 budget. All counties that place children in a community treatment  
24 facility program shall make payments using the budget agreement  
25 negotiated by the community treatment facility provider and the  
26 host county.

27 (c) A foster care rate shall be established for each community  
28 treatment facility program by the State Department of Social  
29 Services.

30 (1) These rates shall be established using the existing foster care  
31 ratesetting system for group homes, or the rate for a short-term  
32 residential treatment center as defined in subdivision (ad) of  
33 Section 11400, with modifications designed as necessary. It is  
34 anticipated that all community treatment facility programs will  
35 offer the level of care and services required to receive the highest  
36 foster care rate provided for under the current ratesetting system.

37 (2) Except as otherwise provided in paragraph (3), commencing  
38 January 1, 2017, the program shall have accreditation from a  
39 nationally recognized accrediting entity identified by the State

1 Department of Social Services pursuant to the process described  
2 in paragraph (4) of subdivision (b) of Section 11462.

3 (3) With respect to a program that has been granted an extension  
4 pursuant to the exception process described in subdivision (d) of  
5 Section 11462.04, the requirement described in paragraph (2) shall  
6 apply to that program commencing January 1, 2018.

7 (d) For the 2001–02 fiscal year, the 2002–03 fiscal year, the  
8 2003–04 fiscal year, and the 2004–05 fiscal year, community  
9 treatment facility programs shall also be paid a community  
10 treatment facility supplemental rate of up to two thousand five  
11 hundred dollars (\$2,500) per child per month on behalf of children  
12 eligible under the foster care program and children placed out of  
13 home pursuant to an individualized education program developed  
14 under Section 7572.5 of the Government Code. Subject to the  
15 availability of funds, the supplemental rate shall be shared by the  
16 state and the counties. Counties shall be responsible for paying a  
17 county share of cost equal to 60 percent of the community  
18 treatment rate for children placed by counties in community  
19 treatment facilities and the state shall be responsible for 40 percent  
20 of the community treatment facility supplemental rate. The  
21 community treatment facility supplemental rate is intended to  
22 supplement, and not to supplant, the payments for which children  
23 placed in community treatment facilities are eligible to receive  
24 under the foster care program and the existing programs for mental  
25 health services.

26 (e) For initial ratesetting purposes for community treatment  
27 facility funding, the cost of mental health services shall be  
28 determined by deducting the foster care rate and the community  
29 treatment facility supplemental rate from the total allowable cost  
30 of the community treatment facility program. Payments to certified  
31 providers for mental health services shall be based on eligible  
32 services provided to children who are Medi-Cal beneficiaries, up  
33 to the approved federal rate for these services.

34 (f) The State Department of Health Care Services shall provide  
35 the community treatment facility supplemental rates to the counties  
36 for advanced payment to the community treatment facility  
37 providers in the same manner as the regular foster care payment  
38 and within the same required payment time limits.

39 (g) In order to facilitate the study of the costs of community  
40 treatment facilities, licensed community treatment facilities shall

1 provide all documents regarding facility operations, treatment, and  
2 placements requested by the department.

3 (h) It is the intent of the Legislature that the State Department  
4 of Health Care Services and the State Department of Social  
5 Services work to maximize federal financial participation in  
6 funding for children placed in community treatment facilities  
7 through funds available pursuant to Titles IV-E and XIX of the  
8 federal Social Security Act (Title 42 U.S.C. Sec. 670 et seq. and  
9 Sec. 1396 et seq.) and other appropriate federal programs.

10 (i) The State Department of Health Care Services and the State  
11 Department of Social Services may adopt emergency regulations  
12 necessary to implement joint protocols for the oversight of  
13 community treatment facilities, to modify existing licensing  
14 regulations governing reporting requirements and other procedural  
15 and administrative mandates to take into account the seriousness  
16 and frequency of behaviors that are likely to be exhibited by the  
17 ~~children who have been assessed as having an emotional~~  
18 ~~disturbance pursuant to Section 300.8(c)(4)(i) of Title 34 of the~~  
19 ~~Code of Federal Regulations~~ *seriously emotionally disturbed*  
20 *children* placed in community treatment facility programs, to  
21 modify the existing foster care ratesetting regulations, and to pay  
22 the community treatment facility supplemental rate. The adoption  
23 of these regulations shall be deemed to be an emergency and  
24 necessary for the immediate preservation of the public peace, health  
25 and safety, and general welfare. The regulations shall become  
26 effective immediately upon filing with the Secretary of State. The  
27 regulations shall not remain in effect more than 180 days unless  
28 the adopting agency complies with all the provisions of Chapter  
29 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
30 Title 2 of the Government Code, as required by subdivision (e) of  
31 Section 11346.1 of the Government Code.

32 ~~SEC. 48.~~

33 *SEC. 50.* Section 4096 of the Welfare and Institutions Code is  
34 amended to read:

35 4096. (a) (1) Interagency collaboration and children's program  
36 services shall be structured in a manner that will facilitate future  
37 implementation of the goals of Part 4 (commencing with Section  
38 5850) of Division 5 to develop protocols outlining the roles and  
39 responsibilities of placing agencies and group homes regarding

1 emergency and nonemergency placements of foster children in  
2 group homes.

3 (2) Components shall be added to state-county performance  
4 contracts required in Section 5650 that provide for reports from  
5 counties on how this section is implemented.

6 (3) The department shall develop performance contract  
7 components required by paragraph (2).

8 (4) Performance contracts subject to this section shall document  
9 that the procedures to be implemented in compliance with this  
10 section have been approved by the county social services  
11 department and the county probation department.

12 (b) Funds specified in subdivision (a) of Section 17601 for  
13 services to wards of the court and dependent children of the court  
14 shall be allocated and distributed to counties based on the number  
15 of wards of the court and dependent children of the court in the  
16 county.

17 (c) A county may utilize funds allocated pursuant to subdivision  
18 (b) only if the county has an established and operational  
19 interagency placement committee, with a membership that includes  
20 at least the county placement agency and a licensed mental health  
21 professional from the county department of mental health. If  
22 necessary, the funds may be used for costs associated with  
23 establishing the interagency placement committee.

24 (d) Subsequent to the establishment of an interagency placement  
25 committee, funds allocated pursuant to subdivision (b) shall be  
26 used to provide services to wards of the court and dependent  
27 children of the court jointly identified by county mental health,  
28 social services, and probation departments as the highest priority.  
29 Every effort shall be made to match those funds with funds  
30 received pursuant to Title XIX of the federal Social Security Act,  
31 contained in Subchapter 19 (commencing with Section 1396) of  
32 Chapter 7 of Title 42 of the United States Code.

33 (e) (1) Each interagency placement committee shall establish  
34 procedures whereby a ward of the court or dependent child of the  
35 court, or a voluntarily placed child whose placement is funded by  
36 the Aid to Families with Dependent Children-Foster Care Program,  
37 who is to be placed or is currently placed in a group home program  
38 at a rate classification level 13 or rate classification level 14 as  
39 specified in Section 11462.01, is assessed as ~~having an emotional~~  
40 ~~disturbance pursuant to Section 300.8(c)(4)(i) of Title 34 of the~~



~~Code of Federal Regulations and Section 1502.4 of the Health and Safety Code; seriously emotionally disturbed, as described in Section 5600.3.~~

(2) The assessment required by paragraph (1) shall also indicate that the child or youth is in need of the care and services provided by that group home program.

(f) The interagency placement committee shall document the results of the assessment required by subdivision (e) and shall notify the appropriate group home provider and county placing agency, in writing, of those results within 10 days of the completion of the assessment.

(g) If the child's or youth's placement is not funded by the Aid to Families with Dependent Children-Foster Care Program, a licensed mental health professional, which is defined to include a physician licensed under Section 2050 of the Business and Professions Code, a licensed psychologist within the meaning of subdivision (a) of Section 2902 of the Business and Professions Code, a licensed clinical social worker within the meaning of subdivision (a) of Section 4996 of the Business and Professions Code, a licensed marriage and family therapist within the meaning of subdivision (b) of Section 4980 of the Business and Professions Code, or a licensed professional clinical counselor within the meaning of subdivision (e) of Section 4999.12, shall certify that the child is assessed as ~~having an emotional disturbance as defined in Section 300.8(c)(4)(i) of Title 34 of the Code of Federal Regulations and Section 1502.4 of the Health and Safety Code; seriously emotionally disturbed, as described in Section 5600.3.~~

(h) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

~~SEC. 49.~~

*SEC. 51.* Section 4096 is added to the Welfare and Institutions Code, to read:

4096. (a) (1) Interagency collaboration and children's program services shall be structured in a manner that will facilitate implementation of the goals of ~~Part 4 (commencing with Section 5850) of Division 5 to develop protocols outlining the roles and responsibilities of placing agencies and group homes regarding emergency and nonemergency placements of foster children in group homes; Part 4 (commencing with Section 5850) of Division~~

1 *5 to develop protocols outlining the roles and responsibilities of*  
2 *placing agencies, short-term residential treatment centers, and*  
3 *foster family agencies regarding emergency and nonemergency*  
4 *placements of foster children in short-term residential treatment*  
5 *centers or foster family agencies.*

6 (2) Components shall be added to state-county performance  
7 contracts required in Section 5650 that provide for reports from  
8 counties on how this section is implemented.

9 (3) The State Department of Health Care Services shall develop  
10 performance contract components required by paragraph (2).

11 (4) Performance contracts subject to this section shall document  
12 that the procedures to be implemented in compliance with this  
13 section have been approved by the county social services  
14 department and the county probation department.

15 (b) Funds specified in subdivision (a) of Section 17601 for  
16 services to wards of the court and dependent children of the court  
17 shall be allocated and distributed to counties based on the number  
18 of wards of the court and dependent children of the court in the  
19 county.

20 (c) A county may utilize funds allocated pursuant to subdivision  
21 (b) only if the county has ~~an~~ established ~~and~~ *an* operational  
22 interagency placement committee with a membership that includes  
23 at least the county placement agency and a licensed mental health  
24 professional from the county department of mental health. If  
25 necessary, the funds may be used for costs associated with  
26 establishing the interagency placement committee.

27 (d) Funds allocated pursuant to subdivision (b) shall be used to  
28 provide services to wards of the court and dependent children of  
29 the court jointly identified by county mental health, social services,  
30 and probation departments as the highest priority. Every effort  
31 shall be made to match those funds with funds received pursuant  
32 to Title XIX of the federal Social Security Act, contained in  
33 Subchapter 19 (commencing with Section 1396) of Chapter 7 of  
34 Title 42 of the United States Code.

35 (e) (1) Each interagency placement committee shall establish  
36 procedures whereby a ward of the court or dependent child of the  
37 court, or a voluntarily placed child whose placement is funded by  
38 the Aid to Families with Dependent Children-Foster Care Program,  
39 who is to be placed or is currently placed in a short-term residential  
40 treatment center or foster family agency that provides treatment

1 services, as specified in Section 11462.01, or a group home granted  
 2 an extension pursuant to Section 11462.04, is assessed as ~~having~~  
 3 ~~an emotional disturbance as defined in Section 300.8(e)(4)(i) of~~  
 4 ~~Title 34 of the Code of Federal Regulations and Section 1502.4~~  
 5 ~~of the Health and Safety Code. seriously emotionally disturbed,~~  
 6 ~~as described in Section 5600.3.~~

7 (2) The assessment required by paragraph (1) shall also indicate  
 8 that the child is in need of the care and services provided by a  
 9 short-term residential center or foster family agency that provides  
 10 treatment services.

11 (3) In lieu of an assessment by the interagency placement  
 12 committee required under paragraph (1), a child and family team,  
 13 as defined in paragraph (4) of subdivision (a) of Section 16501,  
 14 may utilize an assessment by a licensed mental health professional  
 15 that was developed consistent with procedures established by the  
 16 county under paragraph (1). Nothing in this paragraph shall prohibit  
 17 the child and family team from considering an assessment provided  
 18 by an interagency placement committee.

19 (f) The interagency placement committee or the child and family  
 20 team, as appropriate, shall document the results of the assessment  
 21 required by subdivision (e) and shall notify the appropriate provider  
 22 in writing, of those results within 10 days of the completion of the  
 23 assessment.

24 (g) If the child's or youth's placement is not funded by the Aid  
 25 to Families with Dependent Children-Foster Care Program, a  
 26 licensed mental health professional, a physician licensed under  
 27 Section 2050 of the Business and Professions Code, a licensed  
 28 psychologist within the meaning of subdivision (a) Section 2902  
 29 of the Business and Professions Code, a licensed clinical social  
 30 worker within the meaning of subdivision (a) of Section 4996 of  
 31 the Business and Professions Code, a licensed marriage and family  
 32 therapist within the meaning of subdivision (b) of Section 4980  
 33 of the Business and Professions Code, or a licensed professional  
 34 clinical counselor within the meaning of subdivision (e) of Section  
 35 4999.12, shall certify that the child has been assessed as ~~having~~  
 36 ~~an emotional disturbance, as defined in Section 300.8(e)(4)(i) of~~  
 37 ~~Title 34 of the Code of Federal Regulations. seriously emotionally~~  
 38 ~~disturbed, as described in Section 5600.3.~~

39 (h) This section shall become operative on January 1, 2017.

1     ~~SEC. 50.~~

2     SEC. 52. Section 4096.1 is added to the Welfare and Institutions  
3 Code, to read:

4     4096.1. (a) (1) Interagency collaboration and children's  
5 program services shall be structured in a manner that will facilitate  
6 future implementation of the goals of Part 4 (commencing with  
7 Section 5850) of Division 5 to develop protocols outlining the  
8 roles and responsibilities of placing agencies and group homes  
9 regarding emergency and nonemergency placements of foster  
10 children in group homes.

11     (2) Components shall be added to state-county performance  
12 contracts required in Section 5650 that provide for reports from  
13 counties on how this section is implemented.

14     (3) The State Department of Health Care Services shall develop  
15 performance contract components required by paragraph (2).

16     (4) Performance contracts subject to this section shall document  
17 that the procedures to be implemented in compliance with this  
18 section have been approved by the county social services  
19 department and the county probation department.

20     (b) Funds specified in subdivision (a) of Section 17601 for  
21 services to wards of the court and dependent children of the court  
22 shall be allocated and distributed to counties based on the number  
23 of wards of the court and dependent children of the court in the  
24 county.

25     (c) A county may utilize funds allocated pursuant to subdivision  
26 (b) only if the county has ~~an~~ established ~~and an~~ operational  
27 interagency placement committee, with a membership that includes  
28 at least the county placement agency and a licensed mental health  
29 professional from the county department of mental health. If  
30 necessary, the funds may be used for costs associated with  
31 establishing the interagency placement committee.

32     (d) Subsequent to the establishment of an interagency placement  
33 committee, funds allocated pursuant to subdivision (b) shall be  
34 used to provide services to wards of the court and dependent  
35 children of the court jointly identified by county mental health,  
36 social services, and probation departments as the highest priority.  
37 Every effort shall be made to match those funds with funds  
38 received pursuant to Title XIX of the federal Social Security Act,  
39 contained in Subchapter 19 (commencing with Section 1396) of  
40 Chapter 7 of Title 42 of the United States Code.

(e) (1) Each interagency placement committee shall establish procedures whereby a ward of the court or dependent child of the court, or a voluntarily placed child whose placement is funded by the Aid to Families with Dependent Children-Foster Care Program, who is to be placed or is currently placed in a group home program at a rate classification level 13 or rate classification level 14 as specified in Section 11462.001, is assessed as ~~having an emotional disturbance, as defined in Section 300.8(c)(4)(i) of Title 34 of the Code of Federal Regulations~~; *seriously emotionally disturbed, as described in Section 5600.3.*

(2) The assessment required by paragraph (1) shall also indicate that the child or youth is in need of the care and services provided by that group home program.

(f) The interagency placement committee shall document the results of the assessment required by subdivision (e) and shall notify the appropriate group home provider and county placing agency, in writing, of those results within 10 days of the completion of the assessment.

(g) If the child's or youth's placement is not funded by the Aid to Families with Dependent Children-Foster Care Program, a licensed mental health professional, as defined in subdivision (g) of Section 4096, shall certify that the child has been assessed as ~~having an emotional disturbance, as defined in Section 300.8(c)(4)(i) of Title 34 of the Code of Federal Regulations~~; *seriously emotionally disturbed, as described in Section 5600.3.*

(h) This section shall only apply to a group home that has been granted an extension pursuant to the exception process described in subdivision (d) of Section 11462.04 or to a foster family agency that has been granted an extension pursuant to the exception process described in subdivision (d) of Section 11463.1.

(i) This section shall become operative on January 1, 2017.

(j) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

~~SEC. 51.~~

*SEC. 53.* Section 4096.5 of the Welfare and Institutions Code is amended to read:

4096.5. (a) The State Department of Health Care Services shall make a determination, within 45 days of receiving a request from a group home to be classified at RCL 13 or RCL 14 pursuant

1 to Section 11462.01, to certify or deny certification that the group  
2 home program includes provisions for mental health treatment  
3 services that meet the needs of children who have been assessed  
4 as ~~having an emotional disturbance, as defined in Section~~  
5 ~~300.8(e)(4)(i) of Title 34 of the Code of Federal Regulations.~~  
6 *seriously emotionally disturbed, as described in Section 5600.3.*

7 The department shall issue each certification for a period of one  
8 year and shall specify the effective date the program met the  
9 certification requirements. A program may be recertified if the  
10 program continues to meet the criteria for certification.

11 (b) The State Department of Health Care Services shall, in  
12 consultation with the County Behavioral Health Directors  
13 Association of California and representatives of provider  
14 organizations, develop the criteria for the certification required by  
15 subdivision (a) by July 1, 1992.

16 (c) (1) The State Department of Health Care Services may,  
17 upon the request of a county, delegate to that county the  
18 certification task.

19 (2) Any county to which the certification task is delegated  
20 pursuant to paragraph (1) shall use the criteria and format  
21 developed by the department.

22 (d) The State Department of Health Care Services or delegated  
23 county shall notify the State Department of Social Services  
24 Community Care Licensing Division immediately upon the  
25 termination of any certification issued in accordance with  
26 subdivision (a).

27 (e) Upon receipt of notification from the State Department of  
28 Social Services Community Care Licensing Division of any adverse  
29 licensing action taken after the finding of noncompliance during  
30 an inspection conducted pursuant to Section 1538.7 of the Health  
31 and Safety Code, the State Department of Health Care Services or  
32 the delegated county shall review the certification issued pursuant  
33 to this section.

34 (f) This section shall remain in effect only until January 1, 2017,  
35 and as of that date is repealed, unless a later enacted statute, that  
36 is enacted before January 1, 2017, deletes or extends that date.

37 ~~SEC. 52.~~

38 *SEC. 54.* Section 4096.5 is added to the Welfare and Institutions  
39 Code, to read:

1 4096.5. (a) All short-term residential treatment—~~centers,~~  
2 *programs* and all foster family—~~agencies~~ *programs* that provide  
3 treatment services shall obtain and have in good standing a mental  
4 health certification, as described in Section 11462.01, issued by  
5 the State Department of Health Care Services or a county to which  
6 the department has delegated certification authority. This  
7 certification is a condition for receiving an Aid to Families with  
8 Dependent Children-Foster Care rate pursuant to Section  
9 11462.015.

10 (b) The State Department of Health Care Services or a county  
11 to which the department has delegated certification authority shall  
12 certify or deny certification within 45 days of receiving a  
13 certification request. The State Department of Health Care Services  
14 or a county to which the department has delegated certification  
15 authority shall issue each certification for a period of one year and  
16 shall specify the effective date that the program met the program  
17 standards. Certified entities shall meet all program standards to be  
18 recertified.

19 (c) The State Department of Health Care Services shall  
20 promulgate regulations regarding program standards, oversight,  
21 enforcement, and due process for the mental health certification  
22 of short-term residential treatment centers and foster family  
23 agencies that provide intensive or therapeutic treatment services.

24 (d) (1) Except for certification of short-term residential  
25 treatment centers or foster family agencies operated by a county,  
26 the State Department of Health Care Services may, upon the  
27 request of a county, delegate to that county the certification of  
28 short-term residential treatment centers and foster family agencies  
29 within its borders.

30 (2) Any county to which certification is delegated pursuant to  
31 paragraph (1) shall be responsible for the oversight and  
32 enforcement of program standards and the provision of due process  
33 for certified entities.

34 (e) The State Department of Health Care Services or a county  
35 to which the department has delegated certification authority shall  
36 notify the State Department of Social Services immediately upon  
37 the termination of any certification issued in accordance with  
38 subdivisions (a) and (b).

39 (f) The State Department of Social Services shall notify the  
40 State Department of Health Care Services or a county to which

1 the department has delegated certification authority immediately  
2 upon the revocation of any license issued pursuant to Chapter 3  
3 (commencing with Section 1500) of Division 2 of the Health and  
4 Safety Code.

5 (g) Revocation of a license or a mental health certification shall  
6 be a basis for rate termination.

7 (h) This section shall become operative on January 1, 2017.

8 ~~SEC. 53.~~

9 *SEC. 55.* Section 4096.55 is added to the Welfare and  
10 Institutions Code, to read:

11 4096.55. (a) The State Department of Health Care Services  
12 shall make a determination, within 45 days of receiving a request  
13 from a group home to be classified at rate classification level 13  
14 or rate classification level 14 pursuant to Section 11462.015, to  
15 certify or deny certification that the group home program includes  
16 provisions for mental health treatment services that meet the needs  
17 of children who have been assessed as ~~having an emotional~~  
18 ~~disturbance, as defined in Section 300.8(e)(4)(i) of Title 34 of the~~  
19 ~~Code of Federal Regulations; seriously emotionally disturbed, as~~  
20 ~~described in Section 5600.3.~~ The department shall issue each  
21 certification for a period of one year and shall specify the effective  
22 date the program met the certification requirements. A program  
23 may be recertified if the program continues to meet the criteria for  
24 certification.

25 (b) The State Department of Health Care Services shall, in  
26 consultation with the California Behavioral Health Directors  
27 Association of *California* and representatives of provider  
28 organizations, develop the criteria for the certification required by  
29 subdivision (a).

30 (c) (1) The State Department of Health Care Services may,  
31 upon the request of a county, delegate to that county the  
32 certification task.

33 (2) Any county to which the certification task is delegated  
34 pursuant to paragraph (1) shall use the criteria and format  
35 developed by the department.

36 (d) The State Department of Health Care Services or delegated  
37 county shall notify the State Department of Social Services  
38 Community Care Licensing Division immediately upon the  
39 termination of any certification issued in accordance with  
40 subdivision (a).



(e) Upon receipt of notification from the State Department of Social Services Community Care Licensing Division of any adverse licensing action taken after the finding of noncompliance during an inspection conducted pursuant to Section 1538.7 of the Health and Safety Code, the State Department of Health Care Services or the delegated county shall review the certification issued pursuant to this section.

(f) This section shall only apply to a group home that has been granted an extension pursuant to the exception process described in subdivision (d) of Section 11462.04.

(g) This section shall become operative on January 1, 2017.

(h) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

*SEC. 56. Section 11253.2 is added to the Welfare and Institutions Code, to read:*

*11253.2. (a) Notwithstanding any other law, an application for aid filed on behalf of a child to whom Section 309 or 361.45 applies shall be processed pursuant to an expedited process as determined by the department in consultation with the counties.*

*(b) Subdivision (a) shall not apply if the person who applies for aid on behalf of a child described in subdivision (a) is also an applicant for or a recipient of benefits under this chapter.*

*(c) (1) Except as provided in paragraph (2), a person who applies for aid on behalf of a child described in subdivision (a) shall be exempt from Chapter 4.6 (commencing with Section 10830) of Part 2 governing the statewide fingerprint imaging system.*

*(2) A relative caregiver who is also an applicant for or a recipient of benefits under this chapter shall comply with the statewide fingerprint imaging system requirements.*

~~SEC. 54.~~

*SEC. 57. Section 11400 of the Welfare and Institutions Code is amended to read:*

*11400. For purposes of this article, the following definitions shall apply:*

*(a) "Aid to Families with Dependent Children-Foster Care (AFDC-FC)" means the aid provided on behalf of needy children in foster care under the terms of this division.*

*(b) "Case plan" means a written document that, at a minimum, specifies the type of home in which the child shall be placed, the*

1 safety of that home, and the appropriateness of that home to meet  
2 the child's needs. It shall also include the agency's plan for  
3 ensuring that the child receive proper care and protection in a safe  
4 environment, and shall set forth the appropriate services to be  
5 provided to the child, the child's family, and the foster parents, in  
6 order to meet the child's needs while in foster care, and to reunify  
7 the child with the child's family. In addition, the plan shall specify  
8 the services that will be provided or steps that will be taken to  
9 facilitate an alternate permanent plan if reunification is not possible.

10 (c) "Certified family home" means a family residence certified  
11 by a licensed foster family agency and issued a certificate of  
12 approval by that agency as meeting licensing standards, and used  
13 only by that foster family agency for placements.

14 (d) "Family home" means the family residence of a licensee in  
15 which 24-hour care and supervision are provided for children.

16 (e) "Small family home" means any residential facility, in the  
17 licensee's family residence, which provides 24-hour care for six  
18 or fewer foster children who have mental disorders or  
19 developmental or physical disabilities and who require special care  
20 and supervision as a result of their disabilities.

21 (f) "Foster care" means the 24-hour out-of-home care provided  
22 to children whose own families are unable or unwilling to care for  
23 them, and who are in need of temporary or long-term substitute  
24 parenting.

25 (g) "Foster family agency" means a licensed community care  
26 facility, as defined in paragraph (4) of subdivision (a) of Section  
27 1502 of the Health and Safety Code, that provides treatment  
28 services, as described in Section 111462.01. Private foster family  
29 agencies shall be organized and operated on a nonprofit basis.

30 (h) "Group home" means a nondetention privately operated  
31 residential home, organized and operated on a nonprofit basis only,  
32 of any capacity, or a nondetention licensed residential care home  
33 operated by the County of San Mateo with a capacity of up to 25  
34 beds, that accepts children in need of care and supervision in a  
35 group home, as defined by paragraph (13) of subdivision (a) of  
36 Section 1502 of the Health and Safety Code.

37 (i) "Periodic review" means review of a child's status by the  
38 juvenile court or by an administrative review panel, that shall  
39 include a consideration of the safety of the child, a determination  
40 of the continuing need for placement in foster care, evaluation of

1 the goals for the placement and the progress toward meeting these  
2 goals, and development of a target date for the child's return home  
3 or establishment of alternative permanent placement.

4 (j) "Permanency planning hearing" means a hearing conducted  
5 by the juvenile court in which the child's future status, including  
6 whether the child shall be returned home or another permanent  
7 plan shall be developed, is determined.

8 (k) "Placement and care" refers to the responsibility for the  
9 welfare of a child vested in an agency or organization by virtue of  
10 the agency or organization having (1) been delegated care, custody,  
11 and control of a child by the juvenile court, (2) taken responsibility,  
12 pursuant to a relinquishment or termination of parental rights on  
13 a child, (3) taken the responsibility of supervising a child detained  
14 by the juvenile court pursuant to Section 319 or 636, or (4) signed  
15 a voluntary placement agreement for the child's placement; or to  
16 the responsibility designated to an individual by virtue of his or  
17 her being appointed the child's legal guardian.

18 (l) "Preplacement preventive services" means services that are  
19 designed to help children remain with their families by preventing  
20 or eliminating the need for removal.

21 (m) "Relative" means an adult who is related to the child by  
22 blood, adoption, or affinity within the fifth degree of kinship,  
23 including stepparents, stepsiblings, and all relatives whose status  
24 is preceded by the words "great," "great-great," or "grand" or the  
25 spouse of any of these persons even if the marriage was terminated  
26 by death or dissolution.

27 (n) "Nonrelative extended family member" means an adult  
28 caregiver who has an established familial or mentoring relationship  
29 with the child, as described in Section 362.7.

30 (o) "Voluntary placement" means an out-of-home placement  
31 of a child by (1) the county welfare department, probation  
32 department, or Indian tribe that has entered into an agreement  
33 pursuant to Section 10553.1, after the parents or guardians have  
34 requested the assistance of the county welfare department and have  
35 signed a voluntary placement agreement; or (2) the county welfare  
36 department licensed public or private adoption agency, or the  
37 department acting as an adoption agency, after the parents have  
38 requested the assistance of either the county welfare department,  
39 the licensed public or private adoption agency, or the department

1 acting as an adoption agency for the purpose of adoption planning,  
2 and have signed a voluntary placement agreement.

3 (p) “Voluntary placement agreement” means a written agreement  
4 between either the county welfare department, probation  
5 department, or Indian tribe that has entered into an agreement  
6 pursuant to Section 10553.1, licensed public or private adoption  
7 agency, or the department acting as an adoption agency, and the  
8 parents or guardians of a child that specifies, at a minimum, the  
9 following:

10 (1) The legal status of the child.

11 (2) The rights and obligations of the parents or guardians, the  
12 child, and the agency in which the child is placed.

13 (q) “Original placement date” means the most recent date on  
14 which the court detained a child and ordered an agency to be  
15 responsible for supervising the child or the date on which an agency  
16 assumed responsibility for a child due to termination of parental  
17 rights, relinquishment, or voluntary placement.

18 (r) (1) “Transitional housing placement provider” means an  
19 organization licensed by the State Department of Social Services  
20 pursuant to Section 1559.110 of the Health and Safety Code, to  
21 provide transitional housing to foster children at least 16 years of  
22 age and not more than 18 years of age, and nonminor dependents,  
23 as defined in subdivision (v). A transitional housing placement  
24 provider shall be privately operated and organized on a nonprofit  
25 basis.

26 (2) Prior to licensure, a provider shall obtain certification from  
27 the applicable county, in accordance with Section 16522.1.

28 (s) “Transitional Housing Program-Plus” means a provider  
29 certified by the applicable county, in accordance with subdivision  
30 (c) of Section 16522, to provide transitional housing services to  
31 former foster youth who have exited the foster care system on or  
32 after their 18th birthday.

33 (t) “Whole family foster home” means a new or existing family  
34 home, approved relative caregiver or nonrelative extended family  
35 member’s home, the home of a nonrelated legal guardian whose  
36 guardianship was established pursuant to Section 360 or 366.26,  
37 certified family home, or a host family home placement of a  
38 transitional housing placement provider, that provides foster care  
39 for a minor or nonminor dependent parent and his or her child,  
40 and is specifically recruited and trained to assist the minor or

1 nonminor dependent parent in developing the skills necessary to  
2 provide a safe, stable, and permanent home for his or her child.  
3 The child of the minor or nonminor dependent parent need not be  
4 the subject of a petition filed pursuant to Section 300 to qualify  
5 for placement in a whole family foster home.

6 (u) “Mutual agreement” means any of the following:

7 (1) A written voluntary agreement of consent for continued  
8 placement and care in a supervised setting between a minor or, on  
9 and after January 1, 2012, a nonminor dependent, and the county  
10 welfare services or probation department or tribal agency  
11 responsible for the foster care placement, that documents the  
12 nonminor’s continued willingness to remain in supervised  
13 out-of-home placement under the placement and care of the  
14 responsible county, tribe, consortium of tribes, or tribal  
15 organization that has entered into an agreement with the state  
16 pursuant to Section 10553.1, remain under the jurisdiction of the  
17 juvenile court as a nonminor dependent, and report any change of  
18 circumstances relevant to continued eligibility for foster care  
19 payments, and that documents the nonminor’s and social worker’s  
20 or probation officer’s agreement to work together to facilitate  
21 implementation of the mutually developed supervised placement  
22 agreement and transitional independent living case plan.

23 (2) An agreement, as described in paragraph (1), between a  
24 nonminor former dependent or ward in receipt of Kin-GAP  
25 payments under Article 4.5 (commencing with Section 11360) or  
26 Article 4.7 (commencing with Section 11385), and the agency  
27 responsible for the Kin-GAP benefits, provided that the nonminor  
28 former dependent or ward satisfies the conditions described in  
29 Section 11403.01, or one or more of the conditions described in  
30 paragraphs (1) to (5), inclusive, of subdivision (b) of Section  
31 11403. For purposes of this paragraph and paragraph (3),  
32 “nonminor former dependent or ward” has the same meaning as  
33 described in subdivision (aa).

34 (3) An agreement, as described in paragraph (1), between a  
35 nonminor former dependent or ward in receipt of AFDC-FC  
36 payments under subdivision (e) or (f) of Section 11405 and the  
37 agency responsible for the AFDC-FC benefits, provided that the  
38 nonminor former dependent or ward described in subdivision (e)  
39 of Section 11405 satisfies one or more of the conditions described  
40 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section

1 11403, and the nonminor described in subdivision (f) of Section  
2 11405 satisfies the secondary school or equivalent training or  
3 certificate program conditions described in that subdivision.

4 (v) “Nonminor dependent” means, on and after January 1, 2012,  
5 a foster child, as described in Section 675(8)(B) of Title 42 of the  
6 United States Code under the federal Social Security Act who is  
7 a current dependent child or ward of the juvenile court, or who is  
8 a nonminor under the transition jurisdiction of the juvenile court,  
9 as described in Section 450, and who satisfies all of the following  
10 criteria:

11 (1) He or she has attained 18 years of age while under an order  
12 of foster care placement by the juvenile court, and is not more than  
13 19 years of age on or after January 1, 2012, not more than 20 years  
14 of age on or after January 1, 2013, or not more than 21 years of  
15 age on or after January 1, 2014, and as described in Section  
16 10103.5.

17 (2) He or she is in foster care under the placement and care  
18 responsibility of the county welfare department, county probation  
19 department, Indian tribe, consortium of tribes, or tribal organization  
20 that entered into an agreement pursuant to Section 10553.1.

21 (3) He or she has a transitional independent living case plan  
22 pursuant to Section 475(8) of the federal Social Security Act (42  
23 U.S.C. Sec. 675(8)), as contained in the federal Fostering  
24 Connections to Success and Increasing Adoptions Act of 2008  
25 (Public Law 110-351), as described in Section 11403.

26 (w) “Supervised independent living placement” means, on and  
27 after January 1, 2012, an independent supervised setting, as  
28 specified in a nonminor dependent’s transitional independent living  
29 case plan, in which the youth is living independently, pursuant to  
30 Section 472(c)(2) of the federal Social Security Act (42 U.S.C.  
31 Sec. 672(c)(2)).

32 (x) “Supervised independent living setting,” pursuant to Section  
33 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.  
34 672(c)(2)), includes both a supervised independent living  
35 placement, as defined in subdivision (w), and a residential housing  
36 unit certified by the transitional housing placement provider  
37 operating a Transitional Housing Placement-Plus Foster Care  
38 program, as described in paragraph (2) of subdivision (a) of Section  
39 16522.1.

1 (y) “Transitional independent living case plan” means, on or  
2 after January 1, 2012, a child’s case plan submitted for the last  
3 review hearing held before he or she reaches 18 years of age or  
4 the nonminor dependent’s case plan, updated every six months,  
5 that describes the goals and objectives of how the nonminor will  
6 make progress in the transition to living independently and assume  
7 incremental responsibility for adult decisionmaking, the  
8 collaborative efforts between the nonminor and the social worker,  
9 probation officer, or Indian tribal placing entity and the supportive  
10 services as described in the transitional independent living plan  
11 (TILP) to ensure active and meaningful participation in one or  
12 more of the eligibility criteria described in paragraphs (1) to (5),  
13 inclusive, of subdivision (b) of Section 11403, the nonminor’s  
14 appropriate supervised placement setting, and the nonminor’s  
15 permanent plan for transition to living independently, which  
16 includes maintaining or obtaining permanent connections to caring  
17 and committed adults, as set forth in paragraph (16) of subdivision  
18 (f) of Section 16501.1.

19 (z) “Voluntary reentry agreement” means a written voluntary  
20 agreement between a former dependent child or ward or a former  
21 nonminor dependent, who has had juvenile court jurisdiction  
22 terminated pursuant to Section 391, 452, or 607.2, and the county  
23 welfare or probation department or tribal placing entity that  
24 documents the nonminor’s desire and willingness to reenter foster  
25 care, to be placed in a supervised setting under the placement and  
26 care responsibility of the placing agency, the nonminor’s desire,  
27 willingness, and ability to immediately participate in one or more  
28 of the conditions of paragraphs (1) to (5), inclusive, of subdivision  
29 (b) of Section 11403, the nonminor’s agreement to work  
30 collaboratively with the placing agency to develop his or her  
31 transitional independent living case plan within 60 days of reentry,  
32 the nonminor’s agreement to report any changes of circumstances  
33 relevant to continued eligibility for foster care payments, and (1)  
34 the nonminor’s agreement to participate in the filing of a petition  
35 for juvenile court jurisdiction as a nonminor dependent pursuant  
36 to subdivision (e) of Section 388 within 15 judicial days of the  
37 signing of the agreement and the placing agency’s efforts and  
38 supportive services to assist the nonminor in the reentry process,  
39 or (2) if the nonminor meets the definition of a nonminor former  
40 dependent or ward, as described in subdivision (aa), the nonminor’s

1 agreement to return to the care and support of his or her former  
2 juvenile court-appointed guardian and meet the eligibility criteria  
3 for AFDC-FC pursuant to subdivision (e) of Section 11405.

4 (aa) “Nonminor former dependent or ward” means, on and after  
5 January 1, 2012, either of the following:

6 (1) A nonminor who reached 18 years of age while subject to  
7 an order for foster care placement, and for whom dependency,  
8 delinquency, or transition jurisdiction has been terminated, and  
9 who is still under the general jurisdiction of the court.

10 (2) A nonminor who is over 18 years of age and, while a minor,  
11 was a dependent child or ward of the juvenile court when the  
12 guardianship was established pursuant to Section 360 or 366.26,  
13 or subdivision (d), of Section 728 and the juvenile court  
14 dependency or wardship was dismissed following the establishment  
15 of the guardianship.

16 (ab) “Runaway and homeless youth shelter” means a type of  
17 group home, as defined in paragraph (14) of subdivision (a) of  
18 Section 1502 of the Health and Safety Code, that is not an eligible  
19 placement option under Sections 319, 361.2, 450, and 727, and  
20 that is not eligible for AFDC-FC funding pursuant to subdivision  
21 (c) of Section 11402 or Section 11462.

22 (ac) “Transition dependent” is a minor between 17 years and  
23 five months and 18 years of age who is subject to the court’s  
24 transition jurisdiction under Section 450.

25 (ad) “Short-term residential treatment center” means a licensed  
26 community care facility, as defined in paragraph (18) of subdivision  
27 (a) of Section 1502 of the Health and Safety Code, that provides  
28 short-term, specialized, and intensive treatment for the child or  
29 youth, when the child’s or youth’s case plan specifies the need for,  
30 nature of, and anticipated duration of this specialized treatment.

31 (ae) “Resource family” means an approved caregiver, as defined  
32 in subdivision (c) of Section 16519.5.

33 ~~SEC. 55.~~

34 *SEC. 58.* Section 11402 of the Welfare and Institutions Code  
35 is amended to read:

36 11402. In order to be eligible for AFDC-FC, a child or  
37 nonminor dependent shall be placed in one of the following:

38 (a) The approved home of a relative, provided the child or youth  
39 is otherwise eligible for federal financial participation in the  
40 AFDC-FC payment.



1 (b) (1) The licensed family home of a nonrelative.

2 (2) The approved home of a nonrelative extended family  
3 member as described in Section 362.7.

4 (c) The approved home of a resource family as defined in  
5 Section 16519.5.

6 (d) A licensed group home, as defined in subdivision (h) of  
7 Section 11400, excluding a runaway and homeless youth shelter  
8 as defined in subdivision (ab) of Section 11400, provided that the  
9 placement worker has documented that the placement is necessary  
10 to meet the treatment needs of the child or youth and that the  
11 facility offers those treatment services.

12 (e) The home of a nonrelated legal guardian or the home of a  
13 former nonrelated legal guardian when the guardianship of a child  
14 or youth who is otherwise eligible for AFDC-FC has been  
15 dismissed due to the child or youth attaining 18 years of age.

16 (f) An exclusive-use home.

17 (g) A housing model certified by a licensed transitional housing  
18 placement provider as described in Section 1559.110 of the Health  
19 and Safety Code and as defined in subdivision (r) of Section 11400.

20 (h) An out-of-state group home, provided that the placement  
21 worker, in addition to complying with all other statutory  
22 requirements for placing a child or youth in an out-of-state group  
23 home, documents that the requirements of Section 7911.1 of the  
24 Family Code have been met.

25 (i) An approved supervised independent living setting for  
26 nonminor dependents, as defined in subdivision (w) of Section  
27 11400.

28 (j) This section shall remain in effect only until January 1, 2017,  
29 and as of that date is repealed, unless a later enacted statute, that  
30 is enacted before January 1, 2017, deletes or extends that date.

31 ~~SEC. 56.~~

32 *SEC. 59.* Section 11402 is added to the Welfare and Institutions  
33 Code, to read:

34 11402. In order to be eligible for AFDC-FC, a child or  
35 nonminor dependent shall be placed in one of the following:

36 (a) The approved home of a relative, provided the child or youth  
37 is otherwise eligible for federal financial participation in the  
38 AFDC-FC payment.

39 (b) (1) The home of a nonrelated legal guardian or the home  
40 of a former nonrelated legal guardian when the guardianship of a

1 child or youth who is otherwise eligible for AFDC-FC has been  
2 dismissed due to the child or youth attaining 18 years of age.

3 (2) The approved home of a nonrelative extended family  
4 member, as described in Section 362.7.

5 (c) (1) The licensed family home of a nonrelative.

6 (2) The approved home of a resource family, as defined in  
7 Section 16519.5.

8 (d) (1) A housing model certified by a licensed transitional  
9 housing placement provider, as described in Section 1559.110 of  
10 the Health and Safety Code, and as defined in subdivision (r) of  
11 Section 11400.

12 (2) An approved supervised independent living setting for  
13 nonminor dependents, as defined in subdivision (w) of Section  
14 11400.

15 (e) A licensed foster family agency, as defined in paragraph (4)  
16 of subdivision (a) of Section 1502 of the Health and Safety Code,  
17 for placement into a treatment foster home, provided that all of  
18 the following apply:

19 (1) The program has accreditation from a nationally recognized  
20 entity identified by the State Department of Social Services  
21 pursuant to the process described in paragraph (8) of subdivision  
22 (b) of Section 11463.

23 (2) The program has a mental health certificate pursuant to  
24 Section 11462.015.

25 (f) A short-term residential treatment center licensed as a  
26 community care facility, as defined in subdivision (ad) of Section  
27 11400, provided that all of the following apply:

28 (1) The program has a national accreditation from an entity  
29 identified by the State Department of Social Services pursuant to  
30 the process described in paragraph (4) of subdivision (b) of Section  
31 11462.

32 (2) The program has a mental health certificate pursuant to  
33 Section 11462.015.

34 (3) The placement worker has documented in the child's or  
35 youth's case plan the need for, nature of, and anticipated duration  
36 of this specialized treatment to meet the treatment needs of the  
37 child or youth and that the facility offers those treatment services.

38 (g) An out-of-state group home that meets the equivalent of the  
39 requirements of paragraphs (1), (2), and (3) of subdivision (f),  
40 provided that the placement worker, in addition to complying with

1 all other statutory requirements for placing a child or youth in an  
2 out-of-state group home, documents that the requirements of  
3 Section 7911.1 of the Family Code have been met.

4 (h) A community treatment facility set forth in Article 5  
5 (commencing with Section 4094) of Chapter 3 of Part 1 of Division  
6 4.

7 (i) This section shall become operative on January 1, 2017.

8 ~~SEC. 57.~~

9 *SEC. 60.* Section 11402.01 is added to the Welfare and  
10 Institutions Code, immediately following Section 11402, to read:

11 11402.01. In order to be eligible for AFDC-FC, a child or  
12 nonminor dependent shall be placed in one of the following:

13 (a) The approved home of a relative, provided the child or youth  
14 is otherwise eligible for federal financial participation, as defined  
15 in Section 11402.1, in the AFDC-FC payment.

16 (b) (1) The licensed family home of a nonrelative.

17 (2) The approved home of a nonrelative extended family  
18 member as described in Section 362.7.

19 (c) The approved home of a resource family as defined in  
20 Section 16519.5.

21 (d) A licensed group home, as defined in subdivision (h) of  
22 Section 11400, excluding a runaway and homeless youth shelter  
23 as defined in subdivision (ab) of Section 11400, provided that the  
24 placement worker has documented that the placement is necessary  
25 to meet the treatment needs of the child or youth and that the  
26 facility offers those treatment services.

27 (e) The home of a nonrelated legal guardian or the home of a  
28 former nonrelated legal guardian when the guardianship of a child  
29 or youth who is otherwise eligible for AFDC-FC has been  
30 dismissed due to the child or youth attaining 18 years of age.

31 (f) An exclusive-use home.

32 (g) A housing model certified by a licensed transitional housing  
33 placement provider as described in Section 1559.110 of the Health  
34 and Safety Code and as defined in subdivision (r) of Section 11400.

35 (h) An out-of-state group home, provided that the placement  
36 worker, in addition to complying with all other statutory  
37 requirements for placing a minor in an out-of-state group home,  
38 documents that the requirements of Section 7911.1 of the Family  
39 Code have been met.

1 (i) An approved supervised independent living setting for  
2 nonminor dependents, as defined in subdivision (w) of Section  
3 11400.

4 (j) This section shall only apply to a group home that has been  
5 granted an extension pursuant to the exception process described  
6 in subdivision (d) of Section 11462.04 or to a foster family agency  
7 that has been granted an extension pursuant to the exception  
8 process described in subdivision (d) of Section 11463.1.

9 (k) This section shall become operative on January 1, 2017.

10 (l) This section shall remain in effect only until January 1, 2018,  
11 and as of that date is repealed, unless a later enacted statute, that  
12 is enacted before January 1, 2018, deletes or extends that date.

13 ~~SEC. 58.~~

14 *SEC. 61.* Section 11403.2 of the Welfare and Institutions Code  
15 is amended to read:

16 11403.2. (a) The following persons shall be eligible for  
17 transitional housing provided pursuant to Article 4 (commencing  
18 with Section 16522) of Chapter 5 of Part 4:

19 (1) Any foster child at least 16 years of age and not more than  
20 18 years of age, and, on or after January 1, 2012, any nonminor  
21 dependent, as defined in subdivision (v) of Section 11400, who is  
22 eligible for AFDC-FC benefits as described in Section 11401. A  
23 foster child under 18 years of age shall be eligible for placement  
24 in the program certified as a "Transitional Housing Placement  
25 Program," pursuant to paragraph (1) of subdivision (a) of Section  
26 16522.1. A nonminor dependent shall be eligible for placement in  
27 the program certified as a "Transitional Housing Placement-Plus  
28 Foster Care Program" pursuant to paragraph (2) of subdivision (a)  
29 of Section 16522.1.

30 (2) (A) Any former foster youth at least 18 years of age and,  
31 except as provided in subparagraph (B), not more than 24 years  
32 of age who has exited from the foster care system on or after his  
33 or her 18th birthday and elects to participate in Transitional  
34 Housing Program-Plus, as defined in subdivision (s) of Section  
35 11400, if he or she has not received services under this paragraph  
36 for more than a total of 24 months, whether or not consecutive. If  
37 the person participating in a Transitional Housing Program-Plus  
38 is not receiving aid under Section 11403.1, he or she, as a condition  
39 of participation, shall enter into, and execute the provisions of, a  
40 transitional independent living plan that shall be mutually agreed

1 upon, and annually reviewed, by the former foster youth and the  
2 applicable county welfare or probation department or independent  
3 living program coordinator. The person participating under this  
4 paragraph shall inform the county of any changes to conditions  
5 specified in the agreed-upon plan that affect eligibility, including  
6 changes in address, living circumstances, and the educational or  
7 training program.

8 (B) A county may, at its option, extend the services provided  
9 under subparagraph (A) to former foster youth not more than 25  
10 years of age, and for a total of 36 months, whether or not  
11 consecutive, if the former foster youth, in addition to the  
12 requirements specified in subparagraph (A), meets either of the  
13 following criteria:

14 (i) The former foster youth is completing secondary education  
15 or a program leading to an equivalent credential.

16 (ii) The former foster youth is enrolled in an institution that  
17 provides postsecondary education.

18 (b) Payment on behalf of an eligible person receiving transitional  
19 housing services pursuant to paragraph (1) of subdivision (a) shall  
20 be made to the transitional housing placement provider pursuant  
21 to the conditions and limitations set forth in Section 11403.3.  
22 Notwithstanding Section 11403.3, the department, in consultation  
23 with concerned stakeholders, including, but not limited to,  
24 representatives of the Legislature, the County Welfare Directors  
25 Association of California, the Chief Probation Officers of  
26 California, the Judicial Council, representatives of Indian tribes,  
27 the California Youth Connection, former foster youth, child  
28 advocacy organizations, labor organizations, juvenile justice  
29 advocacy organizations, foster caregiver organizations, researchers,  
30 and transitional housing placement providers, shall convene a  
31 workgroup to establish a new rate structure for the Title IV-E  
32 funded THP-Plus Foster Care placement option for nonminor  
33 dependents. The workgroup shall also consider application of this  
34 new rate structure to the Transitional Housing Program-Plus, as  
35 described in paragraph (2) of subdivision (a) of Section 11403.3.  
36 In developing the new rate structure pursuant to this subdivision,  
37 the department shall consider the average rates in effect and being  
38 paid by counties to current transitional housing placement  
39 providers.

(c) The Legislature finds and declares that this subdivision was added in 2015 to clearly codify the requirement of existing law regarding the payment made on behalf of an eligible person receiving transitional housing services. The workgroup described in subdivision (b) recommended, and the department subsequently implemented, an annual adjustment to the payment made on behalf of an eligible person receiving transitional housing services. This annual adjustment has been, and shall continue to be, equal to the California Necessities Index applicable to each fiscal year. The Legislature hereby codifies that its intent remains in making this annual adjustment to support the care and supervision, including needed services and supports, for nonminor dependents who are receiving transitional housing services through the THP-Plus Foster Care Program.

~~SEC. 59.~~

*SEC. 62.* Section 11460 of the Welfare and Institutions Code is amended to read:

11460. (a) Foster care providers shall be paid a per child per month rate in return for the care and supervision of the AFDC-FC child placed with them. The department is designated the single organizational unit whose duty it shall be to administer a state system for establishing rates in the AFDC-FC program. State functions shall be performed by the department or by delegation of the department to county welfare departments or Indian tribes, consortia of tribes, or tribal organizations that have entered into an agreement pursuant to Section 10553.1.

(b) "Care and supervision" includes food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, reasonable travel to the child's home for visitation, and reasonable travel for the child to remain in the school in which he or she is enrolled at the time of placement. Reimbursement for the costs of educational travel, as provided for in this subdivision, shall be made pursuant to procedures determined by the department, in consultation with representatives of county welfare and probation directors, and additional stakeholders, as appropriate.

(1) For a child or youth placed in a short-term residential treatment center or a group home, care and supervision shall also include reasonable administration and operational activities necessary to provide the items listed in this subdivision.

1 (2) For a child or youth placed in a short-term residential  
2 treatment center or a group home, care and supervision may also  
3 include reasonable activities performed by social workers employed  
4 by the program provider that are not otherwise considered daily  
5 supervision or administration activities, but are eligible for federal  
6 financial participation under Title IV-E of the federal Social  
7 Security Act.

8 (c) It is the intent of the Legislature to establish the maximum  
9 level of financial participation in out-of-state foster care group  
10 home program rates for placements in facilities described in  
11 subdivision (g) of Section 11402.

12 (1) The department shall develop regulations that establish the  
13 method for determining the level of financial participation in the  
14 rate paid for out-of-state placements in facilities described in  
15 subdivision (g) of Section 11402. The department shall consider  
16 all of the following methods:

17 (A) Until December 31, 2016, a standardized system based on  
18 the rate classification level of care and services per child per month.

19 (B) The rate developed for a short-term residential treatment  
20 center pursuant to Section 11462.

21 (C) A system that considers the actual allowable and reasonable  
22 costs of care and supervision incurred by the out-of-state program.

23 (D) A system that considers the rate established by the host  
24 state.

25 (E) Any other appropriate methods as determined by the  
26 department.

27 (2) Reimbursement for the Aid to Families with Dependent  
28 Children-Foster Care rate to be paid to an out-of-state program  
29 described in subdivision (g) of Section 11402 shall only be paid  
30 to programs that have done both of the following:

31 (A) Submitted a rate application to the department and received  
32 a determination of the level of financial participation in the rate  
33 paid.

34 (i) The level of financial participation shall not exceed the  
35 current fiscal year's standard rate for rate classification level 14  
36 for a group home; or, commencing January 1, 2017, for a  
37 short-term residential treatment center.

38 (ii) The level of financial participation shall not exceed the rate  
39 determined by the ratesetting authority of the state in which the  
40 facility is located.

1 (B) Agreed to comply with information requests, and program  
2 and fiscal audits as determined necessary by the department.

3 (3) Except as specifically provided for in statute, reimbursement  
4 for an AFDC-FC rate shall only be paid to a group home or  
5 short-term residential treatment center organized and operated on  
6 a nonprofit basis.

7 (d) A foster care provider that accepts payments, following the  
8 effective date of this section, based on a rate established under this  
9 section, shall not receive rate increases or retroactive payments as  
10 the result of litigation challenging rates established prior to the  
11 effective date of this section. This shall apply regardless of whether  
12 a provider is a party to the litigation or a member of a class covered  
13 by the litigation.

14 (e) Nothing shall preclude a county from using a portion of its  
15 county funds to increase rates paid to family homes, foster family  
16 agencies, group homes, and short-term residential treatment centers  
17 within that county, and to make payments for specialized care  
18 increments, clothing allowances, or infant supplements to homes  
19 within that county, solely at that county's expense.

20 (f) Nothing shall preclude a county from providing a  
21 supplemental rate to serve commercially sexually exploited foster  
22 children to provide for the additional care and supervision needs  
23 of these children. To the extent that federal financial participation  
24 is available, it is the intent of the Legislature that the federal  
25 funding shall be utilized.

26 ~~SEC. 60.~~

27 *SEC. 63.* Section 11461.2 of the Welfare and Institutions Code  
28 is amended to read:

29 11461.2. (a) It is the intent of the Legislature to ensure quality  
30 care for children who are placed in the continuum of AFDC-FC  
31 eligible placement settings.

32 (b) The State Department of Social Services shall establish, in  
33 consultation with county welfare departments and other  
34 stakeholders, as appropriate, a working group to develop  
35 recommended revisions to the current ratesetting system, services,  
36 and programs serving children and families in the continuum of  
37 AFDC-FC eligible placement settings including, at a minimum,  
38 all programs provided by foster family agencies and group homes  
39 including those providing residentially based services, as defined  
40 in paragraph (1) of subdivision (a) of Section 18987.71.



1 (c) In developing the recommended revisions identified in  
2 subdivision (b), the working group shall consider all of the  
3 following:

4 (1) How ratesetting systems for foster care providers, including,  
5 at least, foster family agencies and group homes, can better support  
6 a continuum of programs and services that promote positive  
7 outcomes for children and families. This may include a process  
8 for matching the child's strengths and needs to the appropriate  
9 placement setting.

10 (2) How the provision of an integrated, comprehensive set of  
11 services including mental health and other critical services for  
12 children and youth support the achievement of well-being,  
13 permanency, and safety outcomes.

14 (3) How to ensure the provision of services in family-like  
15 settings including aftercare services, when appropriate.

16 (4) How to provide outcome-based evaluations of foster care  
17 providers or other methods of measuring quality improvement  
18 including measures of youth and families' satisfaction with services  
19 provided and program effectiveness.

20 (5) How changes in the licensing, ratesetting, and auditing  
21 processes can improve the quality of foster care providers, the  
22 quality of services and programs provided, and enhance the  
23 oversight of care provided to children, including, but not limited  
24 to, accreditation, administrator qualifications, and the reassignment  
25 of these responsibilities within the department.

26 (d) In addition to the considerations in subdivision (c), the  
27 workgroup recommendations shall be based on the review and  
28 evaluation of the current ratesetting systems, actual cost data, and  
29 information from the provider community as well as research on  
30 other applicable ratesetting methodologies, evidence-based  
31 practices, information developed as a result of pilots approved by  
32 the director, and any other relevant information.

33 (e) (1) The workgroup shall develop the content, format, and  
34 data sources for reports to be posted by the department on a public  
35 Internet Web site describing the outcomes achieved by providers  
36 with foster care rates set by the department.

37 (2) Commencing January 1, 2017, and at least semiannually  
38 after that date, the department shall publish and make available  
39 on a public Internet Web site, short-term residential treatment  
40 center and foster family agency provider performance indicators.

(f) (1) Recommendations developed pursuant to this section shall include the plan required under subdivision (d) of Section 18987.7. Updates regarding the workgroup's establishment and its progress toward meeting the requirements of this section shall be provided to the Legislature during 2012–13 and 2013–14 budget hearings. The revisions recommended pursuant to the requirements of subdivision (b) shall be submitted in a report to the appropriate policy and fiscal committees of the Legislature by October 1, 2014.

(2) The requirement for submitting a report pursuant to this subdivision is inoperative on October 1, 2018, pursuant to Section 10231.5 of the Government Code.

(g) The department shall retain the authority to extend the workgroup after October 1, 2014, to ensure that the objectives of this section are met and to reconvene this workgroup as necessary to address any future recommended changes to the continuum of AFDC-FC eligible placement settings pursuant to this section.

~~SEC. 61.~~

*SEC. 64.* Section 11462 of the Welfare and Institutions Code is amended to read:

11462. (a) (1) Effective July 1, 1990, foster care providers licensed as group homes, as defined in departmental regulations, including public child care institutions, as defined in Section 11402.5, shall have rates established by classifying each group home program and applying the standardized schedule of rates. The department shall collect information from group providers beginning January 1, 1990, in order to classify each group home program.

(2) Notwithstanding paragraph (1), foster care providers licensed as group homes shall have rates established only if the group home is organized and operated on a nonprofit basis as required under subdivision (h) of Section 11400. The department shall terminate the rate effective January 1, 1993, of any group home not organized and operated on a nonprofit basis as required under subdivision (h) of Section 11400.

(3) (A) The department shall determine, consistent with the requirements of this chapter and other relevant requirements under law, the rate classification level (RCL) for each group home program on a biennial basis. Submission of the biennial rate application shall be made according to a schedule determined by the department.

1 (B) The department shall adopt regulations to implement this  
2 paragraph. The adoption, amendment, repeal, or readoption of a  
3 regulation authorized by this paragraph is deemed to be necessary  
4 for the immediate preservation of the public peace, health and  
5 safety, or general welfare, for purposes of Sections 11346.1 and  
6 11349.6 of the Government Code, and the department is hereby  
7 exempted from the requirement to describe specific facts showing  
8 the need for immediate action.

9 (b) A group home program shall be initially classified, for  
10 purposes of emergency regulations, according to the level of care  
11 and services to be provided using a point system developed by the  
12 department and described in the report, "The Classification of  
13 Group Home Programs under the Standardized Schedule of Rates  
14 System," prepared by the State Department of Social Services,  
15 August 30, 1989.

16 (c) The rate for each RCL has been determined by the  
17 department with data from the AFDC-FC Group Home Rate  
18 Classification Pilot Study. The rates effective July 1, 1990, were  
19 developed using 1985 calendar year costs and reflect adjustments  
20 to the costs for each fiscal year, starting with the 1986–87 fiscal  
21 year, by the amount of the California Necessities Index computed  
22 pursuant to the methodology described in Section 11453. The data  
23 obtained by the department using 1985 calendar year costs shall  
24 be updated and revised by January 1, 1993.

25 (d) As used in this section, "standardized schedule of rates"  
26 means a listing of the 14 rate classification levels, and the single  
27 rate established for each RCL.

28 (e) Except as specified in paragraph (1), the department shall  
29 determine the RCL for each group home program on a prospective  
30 basis, according to the level of care and services that the group  
31 home operator projects will be provided during the period of time  
32 for which the rate is being established.

33 (1) (A) (i) For new and existing providers requesting the  
34 establishment of an RCL, and for existing group home programs  
35 requesting an RCL increase, the department shall determine the  
36 RCL no later than 13 months after the effective date of the  
37 provisional rate. The determination of the RCL shall be based on  
38 a program audit of documentation and other information that  
39 verifies the level of care and supervision provided by the group  
40 home program during a period of the two full calendar months or

1 60 consecutive days, whichever is longer, preceding the date of  
2 the program audit, unless the group home program requests a lower  
3 RCL. The program audit shall not cover the first six months of  
4 operation under the provisional rate.

5 (ii) For audit purposes, if the group home program serves a  
6 mixture of AFDC-FC eligible and ineligible children, the weighted  
7 hours for child care and social work services provided and the  
8 capacity of the group home shall be adjusted by the ratio of  
9 AFDC-FC eligible children to all children in placement.

10 (iii) Pending the department's issuance of the program audit  
11 report that determines the RCL for the group home program, the  
12 group home program shall be eligible to receive a provisional rate  
13 that shall be based on the level of care and service that the group  
14 home program proposes it will provide. The group home program  
15 shall be eligible to receive only the RCL determined by the  
16 department during the pendency of any appeal of the department's  
17 RCL determination.

18 (B) A group home program may apply for an increase in its  
19 RCL no earlier than two years from the date the department has  
20 determined the group home program's rate, unless the host county,  
21 the primary placing county, or a regional consortium of counties  
22 submits to the department in writing that the program is needed  
23 in that county, that the provider is capable of effectively and  
24 efficiently operating the proposed program, and that the provider  
25 is willing and able to accept AFDC-FC children for placement  
26 who are determined by the placing agency to need the level of care  
27 and services that will be provided by the program.

28 (C) To ensure efficient administration of the department's audit  
29 responsibilities, and to avoid the fraudulent creation of records,  
30 group home programs shall make records that are relevant to the  
31 RCL determination available to the department in a timely manner.  
32 Except as provided in this section, the department may refuse to  
33 consider, for purposes of determining the rate, any documents that  
34 are relevant to the determination of the RCL that are not made  
35 available by the group home provider by the date the group home  
36 provider requests a hearing on the department's RCL  
37 determination. The department may refuse to consider, for purposes  
38 of determining the rate, the following records, unless the group  
39 home provider makes the records available to the department  
40 during the fieldwork portion of the department's program audit:

1 (i) Records of each employee's full name, home address,  
2 occupation, and social security number.

3 (ii) Time records showing when the employee begins and ends  
4 each work period, meal periods, split shift intervals, and total daily  
5 hours worked.

6 (iii) Total wages paid each payroll period.

7 (iv) Records required to be maintained by licensed group home  
8 providers under Title 22 of the California Code of Regulations  
9 that are relevant to the RCL determination.

10 (D) To minimize financial abuse in the startup of group home  
11 programs, when the department's RCL determination is more than  
12 three levels lower than the RCL level proposed by the group home  
13 provider, and the group home provider does not appeal the  
14 department's RCL determination, the department shall terminate  
15 the rate of a group home program 45 days after issuance of its  
16 program audit report. When the group home provider requests a  
17 hearing on the department's RCL determination, and the RCL  
18 determined by the director under subparagraph (E) is more than  
19 three levels lower than the RCL level proposed by the group home  
20 provider, the department shall terminate the rate of a group home  
21 program within 30 days of issuance of the director's decision.  
22 Notwithstanding the reapplication provisions in subparagraph (B),  
23 the department shall deny any request for a new or increased RCL  
24 from a group home provider whose RCL is terminated pursuant  
25 to this subparagraph, for a period of no greater than two years from  
26 the effective date of the RCL termination.

27 (E) A group home provider may request a hearing of the  
28 department's RCL determination under subparagraph (A) no later  
29 than 30 days after the date the department issues its RCL  
30 determination. The department's RCL determination shall be final  
31 if the group home provider does not request a hearing within the  
32 prescribed time. Within 60 days of receipt of the request for  
33 hearing, the department shall conduct a hearing on the RCL  
34 determination. The standard of proof shall be the preponderance  
35 of the evidence and the burden of proof shall be on the department.  
36 The hearing officer shall issue the proposed decision within 45  
37 days of the close of the evidentiary record. The director shall adopt,  
38 reject, or modify the proposed decision, or refer the matter back  
39 to the hearing officer for additional evidence or findings within  
40 100 days of issuance of the proposed decision. If the director takes

1 no action on the proposed decision within the prescribed time, the  
2 proposed decision shall take effect by operation of law.

3 (2) Group home programs that fail to maintain at least the level  
4 of care and services associated with the RCL upon which their rate  
5 was established shall inform the department. The department shall  
6 develop regulations specifying procedures to be applied when a  
7 group home fails to maintain the level of services projected,  
8 including, but not limited to, rate reduction and recovery of  
9 overpayments.

10 (3) The department shall not reduce the rate, establish an  
11 overpayment, or take other actions pursuant to paragraph (2) for  
12 any period that a group home program maintains the level of care  
13 and services associated with the RCL for children actually residing  
14 in the facility. Determinations of levels of care and services shall  
15 be made in the same way as modifications of overpayments are  
16 made pursuant to paragraph (2) of subdivision (b) of Section  
17 11466.2.

18 (4) A group home program that substantially changes its staffing  
19 pattern from that reported in the group home program statement  
20 shall provide notification of this change to all counties that have  
21 placed children currently in care. This notification shall be provided  
22 whether or not the RCL for the program may change as a result of  
23 the change in staffing pattern.

24 (f) (1) The standardized schedule of rates for the 2002–03,  
25 2003–04, 2004–05, 2005–06, 2006–07, and 2007–08 fiscal years  
26 is:

			FY 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, and 2007–08
Rate Classification Level	Point Ranges	Standard Rate	
1	Under 60	\$1,454	
2	60–89	1,835	
3	90–119	2,210	
4	120–149	2,589	
5	150–179	2,966	
6	180–209	3,344	
7	210–239	3,723	
8	240–269	4,102	
9	270–299	4,479	

1	10	300–329	4,858
2	11	330–359	5,234
3	12	360–389	5,613
4	13	390–419	5,994
5	14	420 & Up	6,371

(2) (A) For group home programs that receive AFDC-FC payments for services performed during the 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, 2007–08, 2008–09, and 2009–10 fiscal years, the adjusted RCL point ranges below shall be used for establishing the biennial rates for existing programs, pursuant to paragraph (3) of subdivision (a) and in performing program audits and in determining any resulting rate reduction, overpayment assessment, or other actions pursuant to paragraph (2) of subdivision (e):

Adjusted Point Ranges for the 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, 2007–08, 2008–09, and 2009–10 Fiscal Years	
Rate Classification Level	
1	Under 54
2	54–81
3	82–110
4	111–138
5	139–167
6	168–195
7	196–224
8	225–253
9	254–281
10	282–310
11	311–338
12	339–367
13	368–395
14	396 & Up

(B) Notwithstanding subparagraph (A), foster care providers operating group homes during the 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, 2007–08, 2008–09, and 2009–10 fiscal years shall remain responsible for ensuring the health and safety of the children placed in their programs in accordance with existing

1 applicable provisions of the Health and Safety Code and  
 2 community care licensing regulations, as contained in Title 22 of  
 3 the California Code of Regulations.

4 (C) Subparagraph (A) shall not apply to program audits of group  
 5 home programs with provisional rates established pursuant to  
 6 paragraph (1) of subdivision (e). For those program audits, the  
 7 RCL point ranges in paragraph (1) shall be used.

8 (D) Rates applicable for the 2009–10 fiscal year pursuant to the  
 9 act that adds this subparagraph shall be effective October 1, 2009.

10 (3) (A) For group home programs that receive AFDC-FC  
 11 payments for services performed during the 2009–10 fiscal year  
 12 the adjusted RCL point ranges below shall be used for establishing  
 13 the biennial rates for existing programs, pursuant to paragraph (3)  
 14 of subdivision (a) and in performing program audits and in  
 15 determining any resulting rate reduction, overpayment assessment,  
 16 or other actions pursuant to paragraph (2) of subdivision (e):  
 17

18	Rate	Adjusted Point Ranges
19	Classification	for the 2009–10
20	Level	Fiscal Years
21	1	Under 39
22	2	39–64
23	3	65–90
24	4	91–115
25	5	116–141
26	6	142–167
27	7	168–192
28	8	193–218
29	9	219–244
30	10	245–270
31	11	271–295
32	12	296–321
33	13	322–347
34	14	348 & Up

35  
 36 (B) Notwithstanding subparagraph (A), foster care providers  
 37 operating group homes during the 2009–10 fiscal year shall remain  
 38 responsible for ensuring the health and safety of the children placed  
 39 in their programs in accordance with existing applicable provisions  
 40 of the Health and Safety Code and community care licensing



1 regulations as contained in Title 22 of the California Code of  
2 Regulations.

3 (C) Subparagraph (A) shall not apply to program audits of group  
4 home programs with provisional rates established pursuant to  
5 paragraph (1) of subdivision (e). For those program audits, the  
6 RCL point ranges in paragraph (1) shall be used.

7 (g) (1) (A) For the 1999–2000 fiscal year, the standardized  
8 rate for each RCL shall be adjusted by an amount equal to the  
9 California Necessities Index computed pursuant to the methodology  
10 described in Section 11453. The resultant amounts shall constitute  
11 the new standardized schedule of rates, subject to further  
12 adjustment pursuant to subparagraph (B).

13 (B) In addition to the adjustment in subparagraph (A),  
14 commencing January 1, 2000, the standardized rate for each RCL  
15 shall be increased by 2.36 percent, rounded to the nearest dollar.  
16 The resultant amounts shall constitute the new standardized  
17 schedule of rates.

18 (2) Beginning with the 2000–01 fiscal year, the standardized  
19 schedule of rates shall be adjusted annually by an amount equal  
20 to the CNI computed pursuant to Section 11453, subject to the  
21 availability of funds. The resultant amounts shall constitute the  
22 new standardized schedule of rates.

23 (3) Effective January 1, 2001, the amount included in the  
24 standard rate for each Rate Classification Level (RCL) for the  
25 salaries, wages, and benefits for staff providing child care and  
26 supervision or performing social work activities, or both, shall be  
27 increased by 10 percent. This additional funding shall be used by  
28 group home programs solely to supplement staffing, salaries,  
29 wages, and benefit levels of staff specified in this paragraph. The  
30 standard rate for each RCL shall be recomputed using this adjusted  
31 amount and the resultant rates shall constitute the new standardized  
32 schedule of rates. The department may require a group home  
33 receiving this additional funding to certify that the funding was  
34 utilized in accordance with the provisions of this section.

35 (4) Effective January 1, 2008, the amount included in the  
36 standard rate for each RCL for the wages for staff providing child  
37 care and supervision or performing social work activities, or both,  
38 shall be increased by 5 percent, and the amount included for the  
39 payroll taxes and other employer-paid benefits for these staff shall  
40 be increased from 20.325 percent to 24 percent. The standard rate

1 for each RCL shall be recomputed using these adjusted amounts,  
2 and the resulting rates shall constitute the new standardized  
3 schedule of rates.

4 (5) The new standardized schedule of rates as provided for in  
5 paragraph (4) shall be reduced by 10 percent, effective October 1,  
6 2009, and the resulting rates shall constitute the new standardized  
7 schedule of rates.

8 (6) The rates of licensed group home providers, whose rates are  
9 not established under the standardized schedule of rates, shall be  
10 reduced by 10 percent, effective October 1, 2009.

11 (h) The standardized schedule of rates pursuant to subdivisions  
12 (f) and (g) shall be implemented as follows:

13 (1) Any group home program that received an AFDC-FC rate  
14 in the prior fiscal year at or above the standard rate for the RCL  
15 in the current fiscal year shall continue to receive that rate.

16 (2) Any group home program that received an AFDC-FC rate  
17 in the prior fiscal year below the standard rate for the RCL in the  
18 current fiscal year shall receive the RCL rate for the current year.

19 (i) (1) The department shall not establish a rate for a new  
20 program of a new or existing provider, or for an existing program  
21 at a new location of an existing provider, unless the provider  
22 submits a letter of recommendation from the host county, the  
23 primary placing county, or a regional consortium of counties that  
24 includes all of the following:

25 (A) That the program is needed by that county.

26 (B) That the provider is capable of effectively and efficiently  
27 operating the program.

28 (C) That the provider is willing and able to accept AFDC-FC  
29 children for placement who are determined by the placing agency  
30 to need the level of care and services that will be provided by the  
31 program.

32 (D) That, if the letter of recommendation is not being issued by  
33 the host county, the primary placing county has notified the host  
34 county of its intention to issue the letter and the host county was  
35 given the opportunity of 30 days to respond to this notification  
36 and to discuss options with the primary placing county.

37 (2) The department shall encourage the establishment of  
38 consortia of county placing agencies on a regional basis for the  
39 purpose of making decisions and recommendations about the need

1 for, and use of, group home programs and other foster care  
2 providers within the regions.

3 (3) The department shall annually conduct a county-by-county  
4 survey to determine the unmet placement needs of children placed  
5 pursuant to Section 300 and Section 601 or 602, and shall publish  
6 its findings by November 1 of each year.

7 (j) The department shall develop regulations specifying  
8 ratesetting procedures for program expansions, reductions, or  
9 modifications, including increases or decreases in licensed capacity,  
10 or increases or decreases in level of care or services.

11 (k) For the purpose of this subdivision, “program change” means  
12 any alteration to an existing group home program planned by a  
13 provider that will increase the RCL or AFDC-FC rate. An increase  
14 in the licensed capacity or other alteration to an existing group  
15 home program that does not increase the RCL or AFDC-FC rate  
16 shall not constitute a program change.

17 (l) General unrestricted or undesignated private charitable  
18 donations and contributions made to charitable or nonprofit  
19 organizations shall not be deducted from the cost of providing  
20 services pursuant to this section. The donations and contributions  
21 shall not be considered in any determination of maximum  
22 expenditures made by the department.

23 (m) This section shall remain in effect only until January 1,  
24 2017, and as of that date is repealed, unless a later enacted statute,  
25 that is enacted before January 1, 2017, deletes or extends that date.

26 ~~SEC. 62:~~

27 *SEC. 65.* Section 11462 is added to the Welfare and Institutions  
28 Code, to read:

29 11462. (a) The department shall commence development of  
30 a new payment structure for short-term residential treatment center  
31 program placements claiming Title IV-E funding, in consultation  
32 with county placing agencies and providers.

33 (b) The department shall develop a rate system that includes  
34 consideration of all of the following factors:

35 ~~(1) Core services, either directly provided or secured with formal~~  
36 ~~agreements with other agencies, that encompass community service~~  
37 ~~and supports, physical, behavioral, and mental health support and~~  
38 ~~access to services, including specialty mental health services,~~  
39 ~~educational support, life and social support, transitional support~~  
40 ~~services for children, youth, and families who assume permanency,~~

1 and for children, youth, and families who step down into lower  
2 levels of foster care, services for transition-aged youth, services  
3 for nonminor dependents, and trauma-informed practices and  
4 supports for children and youth, including treatment services.

5 *(1) Core services, made available to children and nonminor*  
6 *dependents either directly or secured through formal agreements*  
7 *with other agencies, which are trauma informed and culturally*  
8 *relevant and include all of the following:*

9 *(A) Specialty mental health services for children who meet*  
10 *medical necessity criteria for specialty mental health services*  
11 *under the Medi-Cal Early and Periodic Screening, Diagnosis, and*  
12 *Treatment program.*

13 *(B) Transition support services for children, youth, and families*  
14 *who assume permanency.*

15 *(C) Permanency related services, including supporting efforts*  
16 *to reunify or achieve adoption or guardianship and efforts to*  
17 *maintain or establish relationships with parents, siblings, extended*  
18 *family members, tribes, or others important to the child or youth,*  
19 *as appropriate.*

20 *(D) Education and physical, behavioral, and mental health*  
21 *supports, including extracurricular activities and social supports.*

22 *(E) Activities designed to support transition-age youth and*  
23 *nonminor dependents in achieving a successful adulthood.*

24 *(F) When serving Indian children, as defined in Section 224.1,*  
25 *the core services described in paragraphs (A) to (E), inclusive,*  
26 *which shall be provided consistent with active efforts pursuant to*  
27 *Section 361.7.*

28 *(2) Specialized and intensive treatment supports that encompass*  
29 *the elements of nonmedical care and supervision necessary to meet*  
30 *youth safety and other needs that cannot be met in a family based*  
31 *setting.*

32 *(3) Staff training.*

33 *(4) Health and Safety Code requirements.*

34 *(5) Accreditation that includes:*

35 *(A) Provision for all licensed short-term residential treatment*  
36 *centers to obtain and maintain in good standing accreditation from*  
37 *a nationally recognized accreditation agency, as identified by the*  
38 *department, with expertise in programs for youth group care*  
39 *facilities, as determined by the department.*

1 (B) Promulgation by the department of information identifying  
2 that agency or agencies from which accreditation shall be required.

3 (C) Provision for timely reporting to the department of any  
4 change in accreditation status.

5 (6) Mental health certification, including a requirement to timely  
6 report to the department any change in mental health certificate  
7 status.

8 (7) Maximization of federal financial participation under Title  
9 IV-E and Title XIX of the Social Security Act.

10 (c) The department shall develop a system of governmental  
11 monitoring and oversight that shall be carried out in coordination  
12 with the State Department of Health Care Services. Oversight  
13 responsibilities shall include, but not be limited to, ensuring  
14 conformity with federal and state law, including program, fiscal,  
15 and health and safety audits and reviews.

16 (d) This section shall become operative on January 1, 2017.

17 ~~SEC. 63.~~

18 *SEC. 66.* Section 11462.001 is added to the Welfare and  
19 Institutions Code, immediately following Section 11462, to read:

20 11462.001. (a) (1) Foster care providers licensed as group  
21 homes, as defined in departmental regulations, including public  
22 child care institutions, as defined in Section 11402.5, shall have  
23 rates established by classifying each group home program and  
24 applying the standardized schedule of rates. The department shall  
25 collect information from group providers in order to classify each  
26 group home program.

27 (2) Notwithstanding paragraph (1), foster care providers licensed  
28 as group homes shall have rates established only if the group home  
29 is organized and operated on a nonprofit basis as required under  
30 subdivision (h) of Section 11400. The department shall terminate  
31 the rate of any group home not organized and operated on a  
32 nonprofit basis as required under subdivision (h) of Section 11400.

33 (3) (A) The department shall determine, consistent with the  
34 requirements of this chapter and other relevant requirements under  
35 law, the rate classification level (RCL) for each group home  
36 program on a biennial basis. Submission of the biennial rate  
37 application shall be made according to a schedule determined by  
38 the department.

39 (B) The department shall adopt regulations to implement this  
40 paragraph. The adoption, amendment, repeal, or readoption of a

1 regulation authorized by this paragraph is deemed to be necessary  
2 for the immediate preservation of the public peace, health and  
3 safety, or general welfare, for purposes of Sections 11346.1 and  
4 11349.6 of the Government Code, and the department is hereby  
5 exempted from the requirement to describe specific facts showing  
6 the need for immediate action.

7 (b) A group home program shall be initially classified, for  
8 purposes of emergency regulations, according to the level of care  
9 and services to be provided using a point system developed by the  
10 department and described in the report, "The Classification of  
11 Group Home Programs under the Standardized Schedule of Rates  
12 System," prepared by the State Department of Social Services,  
13 August 30, 1989.

14 (c) The rate for each RCL has been determined by the  
15 department with data from the AFDC-FC Group Home Rate  
16 Classification Pilot Study.

17 (d) As used in this section, "standardized schedule of rates"  
18 means a listing of the 14 rate classification levels, and the single  
19 rate established for each RCL.

20 (e) Except as specified in paragraph (1), the department shall  
21 determine the RCL for each group home program on a prospective  
22 basis, according to the level of care and services that the group  
23 home operator projects will be provided during the period of time  
24 for which the rate is being established.

25 (1) (A) (i) For new and existing providers requesting the  
26 establishment of an RCL, and for existing group home programs  
27 requesting an RCL increase, the department shall determine the  
28 RCL no later than 13 months after the effective date of the  
29 provisional rate. The determination of the RCL shall be based on  
30 a program audit of documentation and other information that  
31 verifies the level of care and supervision provided by the group  
32 home program during a period of the two full calendar months or  
33 60 consecutive days, whichever is longer, preceding the date of  
34 the program audit, unless the group home program requests a lower  
35 RCL. The program audit shall not cover the first six months of  
36 operation under the provisional rate.

37 (ii) For audit purposes, if the group home program serves a  
38 mixture of AFDC-FC eligible and ineligible children, the weighted  
39 hours for child care and social work services provided and the

1 capacity of the group home shall be adjusted by the ratio of  
2 AFDC-FC eligible children to all children in placement.

3 (iii) Pending the department's issuance of the program audit  
4 report that determines the RCL for the group home program, the  
5 group home program shall be eligible to receive a provisional rate  
6 that shall be based on the level of care and service that the group  
7 home program proposes it will provide. The group home program  
8 shall be eligible to receive only the RCL determined by the  
9 department during the pendency of any appeal of the department's  
10 RCL determination.

11 (B) A group home program may apply for an increase in its  
12 RCL no earlier than two years from the date the department has  
13 determined the group home program's rate, unless the host county,  
14 the primary placing county, or a regional consortium of counties  
15 submits to the department in writing that the program is needed  
16 in that county, that the provider is capable of effectively and  
17 efficiently operating the proposed program, and that the provider  
18 is willing and able to accept AFDC-FC children for placement  
19 who are determined by the placing agency to need the level of care  
20 and services that will be provided by the program.

21 (C) To ensure efficient administration of the department's audit  
22 responsibilities, and to avoid the fraudulent creation of records,  
23 group home programs shall make records that are relevant to the  
24 RCL determination available to the department in a timely manner.  
25 Except as provided in this section, the department may refuse to  
26 consider, for purposes of determining the rate, any documents that  
27 are relevant to the determination of the RCL that are not made  
28 available by the group home provider by the date the group home  
29 provider requests a hearing on the department's RCL  
30 determination. The department may refuse to consider, for purposes  
31 of determining the rate, the following records, unless the group  
32 home provider makes the records available to the department  
33 during the fieldwork portion of the department's program audit:

34 (i) Records of each employee's full name, home address,  
35 occupation, and social security number.

36 (ii) Time records showing when the employee begins and ends  
37 each work period, meal periods, split shift intervals, and total daily  
38 hours worked.

39 (iii) Total wages paid each payroll period.

1 (iv) Records required to be maintained by licensed group home  
2 providers under Title 22 of the California Code of Regulations  
3 that are relevant to the RCL determination.

4 (D) To minimize financial abuse in the startup of group home  
5 programs, when the department's RCL determination is more than  
6 three levels lower than the RCL level proposed by the group home  
7 provider, and the group home provider does not appeal the  
8 department's RCL determination, the department shall terminate  
9 the rate of a group home program 45 days after issuance of its  
10 program audit report. When the group home provider requests a  
11 hearing on the department's RCL determination, and the RCL  
12 determined by the director under subparagraph (E) is more than  
13 three levels lower than the RCL level proposed by the group home  
14 provider, the department shall terminate the rate of a group home  
15 program within 30 days of issuance of the director's decision.  
16 Notwithstanding the reapplication provisions in subparagraph (B),  
17 the department shall deny any request for a new or increased RCL  
18 from a group home provider whose RCL is terminated pursuant  
19 to this subparagraph, for a period of no greater than two years from  
20 the effective date of the RCL termination.

21 (E) A group home provider may request a hearing of the  
22 department's RCL determination under subparagraph (A) no later  
23 than 30 days after the date the department issues its RCL  
24 determination. The department's RCL determination shall be final  
25 if the group home provider does not request a hearing within the  
26 prescribed time. Within 60 days of receipt of the request for  
27 hearing, the department shall conduct a hearing on the RCL  
28 determination. The standard of proof shall be the preponderance  
29 of the evidence and the burden of proof shall be on the department.  
30 The hearing officer shall issue the proposed decision within 45  
31 days of the close of the evidentiary record. The director shall adopt,  
32 reject, or modify the proposed decision, or refer the matter back  
33 to the hearing officer for additional evidence or findings within  
34 100 days of issuance of the proposed decision. If the director takes  
35 no action on the proposed decision within the prescribed time, the  
36 proposed decision shall take effect by operation of law.

37 (2) Group home programs that fail to maintain at least the level  
38 of care and services associated with the RCL upon which their rate  
39 was established shall inform the department. The department shall  
40 develop regulations specifying procedures to be applied when a



1 group home fails to maintain the level of services projected,  
2 including, but not limited to, rate reduction and recovery of  
3 overpayments.

4 (3) The department shall not reduce the rate, establish an  
5 overpayment, or take other actions pursuant to paragraph (2) for  
6 any period that a group home program maintains the level of care  
7 and services associated with the RCL for children actually residing  
8 in the facility. Determinations of levels of care and services shall  
9 be made in the same way as modifications of overpayments are  
10 made pursuant to paragraph (2) of subdivision (b) of Section  
11 11466.2.

12 (4) A group home program that substantially changes its staffing  
13 pattern from that reported in the group home program statement  
14 shall provide notification of this change to all counties that have  
15 placed children currently in care. This notification shall be provided  
16 whether or not the RCL for the program may change as a result of  
17 the change in staffing pattern.

18 (f) The standardized schedule of rates pursuant to subdivisions  
19 (f) and (g) of Section 11462, as that section read on January 1,  
20 2015, shall be implemented as follows:

21 (1) Any group home program that received an AFDC-FC rate  
22 in the prior fiscal year at or above the standard rate for the RCL  
23 in the current fiscal year shall continue to receive that rate.

24 (2) Any group home program that received an AFDC-FC rate  
25 in the prior fiscal year below the standard rate for the RCL in the  
26 current fiscal year shall receive the RCL rate for the current year.

27 (g) (1) The department shall not establish a rate for a new  
28 program of a new or existing provider, or for an existing program  
29 at a new location of an existing provider, unless the provider  
30 submits a letter of recommendation from the host county, the  
31 primary placing county, or a regional consortium of counties that  
32 includes all of the following:

33 (A) That the program is needed by that county.

34 (B) That the provider is capable of effectively and efficiently  
35 operating the program.

36 (C) That the provider is willing and able to accept AFDC-FC  
37 children for placement who are determined by the placing agency  
38 to need the level of care and services that will be provided by the  
39 program.

(D) That, if the letter of recommendation is not being issued by the host county, the primary placing county has notified the host county of its intention to issue the letter and the host county was given the opportunity of 30 days to respond to this notification and to discuss options with the primary placing county.

(2) The department shall encourage the establishment of consortia of county placing agencies on a regional basis for the purpose of making decisions and recommendations about the need for, and use of, group home programs and other foster care providers within the regions.

(3) The department shall annually conduct a county-by-county survey to determine the unmet placement needs of children placed pursuant to Section 300 and Section 601 or 602, and shall publish its findings by November 1 of each year.

(h) The department shall develop regulations specifying ratesetting procedures for program expansions, reductions, or modifications, including increases or decreases in licensed capacity, or increases or decreases in level of care or services.

(i) For the purpose of this subdivision, “program change” means any alteration to an existing group home program planned by a provider that will increase the RCL or AFDC-FC rate. An increase in the licensed capacity or other alteration to an existing group home program that does not increase the RCL or AFDC-FC rate shall not constitute a program change.

(j) General unrestricted or undesignated private charitable donations and contributions made to charitable or nonprofit organizations shall not be deducted from the cost of providing services pursuant to this section. The donations and contributions shall not be considered in any determination of maximum expenditures made by the department.

(k) This section shall only apply to a group home that has been granted an extension pursuant to the exception process described in subdivision (d) of Section 11462.04.

(l) This section shall become operative on January 1, 2017.

(m) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

~~SEC. 64.~~

*SEC. 67.* Section 11462.01 of the Welfare and Institutions Code is amended to read:

1 11462.01. (a) Commencing July 1, 1994, a group home  
2 program shall be classified at RCL 13 or RCL 14 if the program  
3 meets all of the following requirements:

4 (1) The group home program is providing, or has proposed to  
5 provide, the level of care and services necessary to generate  
6 sufficient points in the ratesetting process to be classified at RCL  
7 13 if the rate application is for RCL 13 or to be classified at RCL  
8 14 if the rate application is for RCL 14.

9 (2) (A) (i) The group home provider shall agree not to accept  
10 for placement into a group home program AFDC-FC funded  
11 children, including voluntary placements and ~~those who have an~~  
12 ~~emotional disturbance, as defined in Section 300.8(e)(4)(i) of Title~~  
13 ~~34 of the Code of Federal Regulations; seriously emotionally~~  
14 ~~disturbed~~ children placed out-of-home pursuant to an  
15 individualized education program developed under Article 2  
16 (commencing with Section 56320) of Chapter 4 of Part 3 of the  
17 Education Code, who have not been approved for placement by  
18 an interagency placement committee, as described by Section 4096.  
19 The approval shall be in writing and shall indicate that the  
20 interagency placement committee has determined that the child  
21 ~~has an emotional disturbance, as defined in Section 300.8(e)(4)(i)~~  
22 ~~of Title 34 of the Code of Federal Regulations is seriously~~  
23 ~~emotionally disturbed~~ and subject to Section 1502.4 of the Health  
24 and Safety Code, and that the child needs the level of care provided  
25 by the group home.

26 (ii) For purposes of clause (i), group home providers who accept  
27 ~~children who are assessed as having an emotional disturbance, as~~  
28 ~~defined in Section 300.8(e)(4)(i) of Title 34 of the Code of Federal~~  
29 ~~Regulations and seriously emotionally disturbed children who are~~  
30 placed out-of-home pursuant to an individualized education  
31 program developed under Section 7572.5 of the Government Code  
32 shall be deemed to have met the interagency placement committee  
33 approval for placement requirements of clause (i) if the  
34 individualized education program assessment indicates that the  
35 child has been determined to ~~have an emotional disturbance, as~~  
36 ~~defined in Section 300.8(e)(4)(i) of Title 34 of the Code of Federal~~  
37 ~~Regulations be seriously emotionally disturbed, as described in~~  
38 ~~Section 5600.3~~ and subject to Section 1502.4 of the Health and  
39 Safety Code, and needs the level of care described in clause (i).

(B) (i) Nothing in this subdivision shall prevent the emergency placement of a child into a group home program prior to the determination by the interagency placement committee pursuant to clause (i) of subparagraph (A) if a licensed mental health professional, as defined in the department's AFDC-FC ratesetting regulations, has evaluated, in writing, the child within 72 hours of placement, and determined the child to ~~have an emotional disturbance, as defined in Section 300.8(c)(4)(i) of Title 34 of the Code of Federal Regulations~~ *be seriously emotionally disturbed, as described in Section 5600.3*, and in need of the care and services provided by the group home program.

(ii) The interagency placement committee shall, within 30 days of placement pursuant to clause (i), make the determination required by clause (i) of subparagraph (A).

(iii) If, pursuant to clause (ii), the placement is determined to be appropriate, the committee shall transmit the approval, in writing, to the county placing agency and the group home provider.

(iv) If, pursuant to clause (ii) the placement is determined not to be appropriate, the child shall be removed from the group home and referred to a more appropriate placement, as specified in subdivision (f).

(C) Commencing December 15, 1992, with respect to AFDC-FC funded children, only those children who are approved for placement by an interagency placement committee may be accepted by a group home under this subdivision.

(3) The group home program is certified by the State Department of Health Care Services pursuant to Section 4096.5.

(b) The department shall not establish a rate for a group home requesting a program change to RCL 13 or RCL 14 unless the group home provider submits a recommendation from the host county or the primary placing county that the program is needed and that the provider is willing and capable of operating the program at the level sought. For purposes of this subdivision, "host county," "primary placing county," and "program change" mean the same as defined in the department's AFDC-FC ratesetting regulations.

(c) The effective date of rates set at RCL 13 or RCL 14 shall be the date that all the requirements are met, but not prior to July 1 of that fiscal year. Nothing in this section shall affect RCL 13 or RCL 14 ratesetting determinations in prior years.

(d) Any group home program that has been classified at RCL 13 or RCL 14 pursuant to the requirements of subdivision (a) shall be reclassified at the appropriate lower RCL with a commensurate reduction in rate if either of the following occurs:

(1) The group home program fails to maintain the level of care and services necessary to generate the necessary number of points for RCL 13 or RCL 14, as required by paragraph (1) of subdivision (a). The determination of points shall be made consistent with the department's AFDC-FC ratesetting regulations for other rate classification levels.

(2) The group home program fails to maintain a certified mental health treatment program as required by paragraph (3) of subdivision (a).

(3) In the event of a determination under paragraph (1), the group home may appeal the finding or submit a corrective action plan. The appeal process specified in Section 11466.6 shall be available to RCL 13 and RCL 14 group home providers. During any appeal, the group home shall maintain the appropriate level of care.

(e) The interagency placement committee shall periodically review, but no less often than that required by current law, the placement of the child. If the committee determines that the child no longer needs, or is not benefiting from, placement in a RCL 13 or RCL 14 group home, the committee shall require the removal of the child and a new disposition.

(f) (1) (A) If, at any time subsequent to placement in an RCL 13 or RCL 14 group home program, the interagency placement committee determines either that the child is not assessed as having an emotional disturbance, as defined in Section 300.8(e)(4)(i) of Title 34 of the Code of Federal Regulations *seriously emotionally disturbed, as described in Section 5600.3*, or is not in need of the care and services provided by the group home program, it shall notify, in writing, both the county placing agency and the group home provider within 10 days of the determination.

(B) The county placing agency shall notify the group home provider, in writing, within five days from the date of the notice from the committee, of the county's plan for removal of the child.

(C) The county placing agency shall remove the child from the group home program within 30 days from the date of the notice from the interagency placement committee.

1 (2) (A) If a county placing agency does not remove a child  
2 within 30 days from the date of the notice from the interagency  
3 placement committee, the group home provider shall notify the  
4 interagency placement committee and the department, in writing,  
5 of the county's failure to remove the child from the group home  
6 program.

7 (B) The group home provider shall make the notification  
8 required by subparagraph (A) within five days of the expiration  
9 of the 30-day removal period. If notification is made, a group home  
10 provider shall not be subject to an overpayment determination due  
11 to failure of the county placing agency to remove the child.

12 (3) Any county placing agency that fails to remove a child from  
13 a group home program under this paragraph within 30 days from  
14 the date of the notice from the interagency placement committee  
15 shall be assessed a penalty in the amount of the state and federal  
16 financial participation in the AFDC-FC rate paid on behalf of the  
17 child commencing on the 31st day and continuing until the child  
18 is removed.

19 (g) (1) If any RCL 13 or RCL 14 group home provider discovers  
20 that it does not have written approval for placement of any  
21 AFDC-FC funded child placed on or after December 15, 1992,  
22 from the interagency placement committee, it shall notify the  
23 county placing agency, in writing, and shall request the county to  
24 obtain approval from the interagency placement committee or  
25 remove the child from the group home program. A group home  
26 provider shall have 30 days from the child's first day of placement  
27 to discover the placement error and to notify the county placing  
28 agency.

29 (2) Any county placing agency that receives notification  
30 pursuant to paragraph (2) of subdivision (f) shall obtain approval  
31 for placement from the interagency placement committee or remove  
32 the child from the group home program within 30 days from the  
33 date of the notice from the group home provider. The program  
34 shall not be reclassified to a lower RCL for a violation of the  
35 provisions referred to in this paragraph.

36 (3) (A) If a county placing agency does not have the placement  
37 of a child approved by the interagency placement committee or  
38 removed from the group home within 30 days from the date of the  
39 notice from the group home provider, the group home provider  
40 shall notify the county placing agency and the department, in

1 writing, of the county's failure to have the placement of the child  
2 approved or remove the child from the group home program.

3 (B) The group home provider shall make the notification  
4 required by subparagraph (A) within five days after the expiration  
5 of the 30-day approval or removal period. If notification is made,  
6 a group home provider shall not be subject to an overpayment  
7 determination due to failure of the county placing agency to remove  
8 the child.

9 (C) Any group home provider that fails to notify the county  
10 placing agency pursuant to subparagraph (A) shall be assessed a  
11 penalty in the amount of the AFDC-FC rate paid to the group home  
12 provider on behalf of the child commencing on the 31st day of  
13 placement and continuing until the county placing agency is  
14 notified.

15 (4) Any county placing agency that fails to have the placement  
16 of a child approved or to have the child removed from the group  
17 home program within 30 days shall be assessed a penalty in the  
18 amount of the state and federal financial participation in the  
19 AFDC-FC rate paid on behalf of the child commencing on the 31st  
20 day of placement and continuing until the child is removed.

21 (h) The department shall develop regulations to obtain payment  
22 of assessed penalties as provided in this section. For audit purposes  
23 and the application of penalties for RCL 13 and RCL 14 programs,  
24 the department shall apply statutory provisions that were in effect  
25 during the period for which the audit was conducted.

26 (i) (1) Nothing in this subparagraph shall prohibit a group home  
27 classified at RCL 13 or RCL 14 for purposes of the AFDC-FC  
28 program, from accepting private placements of children.

29 (2) When a referral is not from a public agency and no public  
30 funding is involved, there shall be no requirement for public agency  
31 review or determination of need.

32 (3) Children subject to paragraphs (1) and (2) shall have been  
33 assessed as ~~having an emotional disturbance, as defined in Section~~  
34 ~~300.8(c)(4)(i) of Title 34 of the Code of Federal Regulations~~  
35 *seriously emotionally disturbed, as described in Section 5600.3,*  
36 and subject to Section 1502.4 of the Health and Safety Code, by  
37 a licensed mental health professional, as defined in subdivision  
38 (g) of Section 4096.

39 (j) A child shall not be placed in a group home program  
40 classified at an RCL 13 or RCL 14 if the placement is paid for

1 with county-only funds unless the child is assessed as ~~having an~~  
2 ~~emotional disturbance, as defined in Section 300.8(c)(4)(i) of Title~~  
3 ~~34 of the Code of Federal Regulations, seriously emotionally~~  
4 ~~disturbed, as described in Section 5600.3~~, subject to Section 1502.4  
5 of the Health and Safety Code, by a licensed mental health  
6 professional, as defined in subdivision (g) of Section 4096.

7 (k) This section shall remain in effect only until January 1, 2017,  
8 and as of that date is repealed, unless a later enacted statute, that  
9 is enacted before January 1, 2017, deletes or extends that date.

10 ~~SEC. 65.~~

11 *SEC. 68.* Section 11462.01 is added to the Welfare and  
12 Institutions Code, to read:

13 11462.01. (a) All short-term residential treatment centers, and  
14 foster family agencies that provide treatment services, shall  
15 maintain in good standing the appropriate mental health  
16 certification issued by the State Department of Health Care  
17 Services or a county to which the department has delegated  
18 certification authority pursuant to Section 4096.5, and additionally  
19 shall maintain the level of care and services necessary to meet the  
20 needs of the children and youth in care.

21 (b) The short-term residential treatment center, as defined in  
22 paragraph (18) of subdivision (a) of Section 1502 of the Health  
23 and Safety Code, may accept for placement a child who meets all  
24 of the following criteria:

25 (1) A child who does not require inpatient care in a licensed  
26 health facility.

27 (2) A child who has been assessed as requiring the level of  
28 services provided in order to maintain the safety of the child or  
29 others due to behaviors that render the child or those around the  
30 child unsafe, or that prevent the effective delivery of needed  
31 services and supports provided in the child's own home or in other  
32 family settings, such as with a relative, guardian, foster family,  
33 resource family, or adoptive family, and who meets at least one  
34 of the following conditions:

35 (A) A child who has been assessed as meeting the medical  
36 necessity criteria for specialty mental health services under the  
37 Medi-Cal Early and Periodic Screening, Diagnosis, and Treatment  
38 program, as the criteria are described in Section 1830.210 of Title  
39 9 of the California Code of Regulations.



1 (B) A child assessed as ~~having an emotional disturbance~~  
2 ~~pursuant to Section 300.8(e)(4)(i) of Title 34 of the Code of Federal~~  
3 ~~Regulations: seriously emotionally disturbed, as described in~~  
4 ~~Section 5600.3.~~

5 (C) A child who has been assessed as requiring the level of  
6 services provided in order to meet his or her behavioral or  
7 therapeutic needs. In appropriate circumstances, this may include  
8 the following children:

9 (i) A commercially or sexually exploited child.

10 (ii) A private voluntary placement, if the youth exhibits status  
11 offender behavior and if the parents or other relative feel they  
12 cannot control the child's behavior and short-term intervention is  
13 needed to transition the child back into the home.

14 (iii) A juvenile sex offender.

15 (iv) A child who is affiliated with or impacted by a gang.

16 (c) The licensed foster family agency, as defined in paragraph  
17 (4) of subdivision (a) of Section 1502 of the Health and Safety  
18 Code, which provides treatment services, may accept for placement  
19 children who do not require inpatient care in a licensed health  
20 facility and who meet at least one of the following conditions:

21 (1) A child who has been assessed as meeting the medical  
22 necessity criteria for specialty mental health services under the  
23 Medi-Cal Early and Periodic Screening, Diagnosis, and Treatment  
24 program, as the criteria are described in Section 1830.210 of Title  
25 9 of the California Code of Regulations.

26 (2) A child assessed as ~~having an emotional disturbance pursuant~~  
27 ~~to Section 300.8 (e)(4)(i) of Title 34 of the Code of Federal~~  
28 ~~Regulations: seriously emotionally disturbed, as described in~~  
29 ~~Section 5600.3.~~

30 (3) A child who has been assessed as requiring the level of  
31 services to meet his or her behavioral or therapeutic needs.

32 (d) The assessments described in subparagraphs (A) and (B) of  
33 paragraph (2) of subdivision (b) and paragraphs (1) and (2) of  
34 subdivision (c), shall be made by all of the following, as applicable:

35 (1) An interagency placement committee, as described in Section  
36 4096.

37 (2) A licensed mental health professional as defined in  
38 subdivision (g) of Section 4096.

39 (3) For the purposes of this section, an AFDC-FC funded child  
40 with an individualized education program developed pursuant to

Article 2 (commencing with Section 56320) of Chapter 4 of Part 30 of the Education Code that assesses the child as ~~having an emotional disturbance~~ *seriously emotionally disturbed*, as defined in, and subject to, this section and recommends out-of-home placement at the level of care provided by the provider, shall be deemed to have met the interagency placement committee approval for placement requirements.

(e) The assessments described in subparagraph (C) of paragraph (2) of subdivision (b) and paragraph (3) of subdivision (c) shall be made pursuant to subdivision (b) of Section 706.6 or paragraph (2) of subdivision (c) of Section 16501.1.

(f) (1) The provider shall ensure that AFDC-FC funded children accepted for placement have been approved for placement by an interagency placement committee, as defined in paragraph (4) of subdivision (a) of Section 16501.

(2) The approval shall be in writing and shall indicate that the interagency placement committee has determined that the child ~~has an emotional disturbance, as defined in Section 300.8(c)(4)(i) of Title 34 of the Code of Federal Regulations~~ *is seriously emotionally disturbed, as described in Section 5600.3*, and subject to Section 1502.4 of the Health and Safety Code, and that the child needs the level of care provided by the provider.

(3) (A) Nothing in subdivisions (b) to (e), inclusive, or this subdivision shall prevent an emergency placement of a child or youth into a short-term residential treatment center or foster family agency that provides treatment services prior to the determination by the interagency placement committee, but only if a licensed mental health professional, as defined in subdivision (g) of Section 4096, has made a written determination within 72 hours of the child's or youth's placement, that the child or youth is seriously emotionally disturbed and is in need of the care and services provided by the short-term residential treatment center or foster family agency that provides treatment services.

(g) (1) The interagency placement committee, as appropriate, shall, within 30 days of placement, make the determinations, with recommendations from the child and family team, required by this subdivision.

(2) If it determines the placement is appropriate, the interagency placement committee, with recommendations from the child and family team, shall transmit the approval, in writing, to the county

1 placing agency and the short-term residential treatment center or  
2 foster family agency that provides treatment services.

3 (3) If it determines the placement is not appropriate, interagency  
4 placement committee, with recommendations from the child and  
5 family team, shall transmit the disapproval, in writing, to the county  
6 placing agency and the short-term residential treatment center or  
7 foster family agency that provides treatment services, and the child  
8 or youth shall be referred to an appropriate placement, as specified  
9 in this section.

10 (h) Commencing January 1, 2017, for AFDC-FC funded children  
11 or youth, only those children or youth who are approved for  
12 placement by the interagency placement committee, with  
13 recommendations from the child and family team, may be accepted  
14 by a short-term residential treatment center or foster family agency  
15 that provides treatment services.

16 (i) (1) The department shall, through regulation, establish  
17 consequences for the failure of a short-term residential treatment  
18 center, or a foster family agency that provides treatment services,  
19 to obtain written approval for placement of an AFDC-FC funded  
20 child or youth from the interagency placement committee, in  
21 consultation with the County Welfare Directors Association of  
22 California, Chief Probation Officers of California, County  
23 Behavioral Health Directors Association of California, and  
24 stakeholders.

25 (2) The short-term residential treatment center, or foster family  
26 agency that provides treatment services, shall be certified by the  
27 State Department of Health Care Services or a county to which  
28 the department has delegated certification authority pursuant to  
29 Section 4096.5.

30 (j) The department shall not establish a rate for a short-term  
31 residential treatment center or foster family agency that provides  
32 intensive and therapeutic treatment unless the provider submits a  
33 recommendation from the host county or the primary placing  
34 county that the program is needed and that the provider is willing  
35 and capable of operating the program at the level sought. For  
36 purposes of this subdivision, “host county,” and “primary placing  
37 county,” mean the same as defined in the department’s AFDC-FC  
38 ratesetting regulations.

39 (k) The effective date of rates set for a short-term residential  
40 treatment center or foster family agency that provides intensive

1 and therapeutic treatment shall be the date that all the requirements  
2 are met.

3 (l) Any short-term residential treatment center or foster family  
4 agency that provides intensive and therapeutic treatment pursuant  
5 to subdivision (a) shall be reclassified and paid at the appropriate  
6 program rate for which it is qualified if either of the following  
7 occurs:

8 (1) (A) It fails to maintain the level of care and services  
9 necessary to meet the needs of the children and youth in care, as  
10 required by subdivision (a). The determination shall be made  
11 consistent with the department's AFDC-FC ratesetting regulations  
12 developed pursuant to Sections 11462 and 11463 and shall take  
13 into consideration the highest level of care and associated rates  
14 for which the program is eligible.

15 (B) In the event of a determination under this paragraph, the  
16 short-term residential treatment center or foster family agency that  
17 provides intensive and therapeutic treatment may appeal the finding  
18 or submit a corrective action plan. The appeal process specified  
19 in Section 11466.6 shall be available to a short-term residential  
20 treatment center or foster family agency that provides intensive  
21 and therapeutic treatment. During any appeal, the short-term  
22 residential treatment center or foster family agency that provides  
23 intensive and therapeutic treatment shall maintain the appropriate  
24 level of care.

25 (2) It fails to maintain a certified mental health treatment  
26 program as required by subdivision (a).

27 (m) In addition to any other review required by law, the child  
28 and family team as defined in paragraph (4) of subdivision (a) of  
29 Section 16501 shall periodically review the placement of the child  
30 or youth. If the child and family team make a recommendation  
31 that the child or youth no longer needs, or is not benefiting from,  
32 placement in a short-term residential treatment center or foster  
33 family agency that provides intensive and therapeutic treatment,  
34 the team shall transmit the disapproval, in writing, to the county  
35 placing agency and the short-term residential treatment center or  
36 foster family agency that provides intensive and therapeutic  
37 treatment, and the child or youth shall be referred to an appropriate  
38 placement.

39 (n) The department shall develop a process to address  
40 placements when, subsequent to the child's or youth's placement,

1 a determination is made by the interagency placement team and  
2 shall consider the recommendations of the child and family team,  
3 either that the child or youth is not in need of the care and services  
4 provided by the certified program. The process shall include, but  
5 not be limited to:

6 (1) Notice of the determination in writing to both the county  
7 placing agency and the short-term residential treatment center or  
8 foster family agency that provides intensive and therapeutic  
9 treatment.

10 (2) Notice of the county's plan, and a time frame, for removal  
11 of the child or youth in writing to the short-term residential  
12 treatment center or foster family agency that provides intensive  
13 and therapeutic treatment.

14 (3) Referral to an appropriate placement.

15 (4) Actions to be taken if a child or youth is not timely removed  
16 from the short-term residential treatment center or foster family  
17 agency that provides intensive and therapeutic treatment or placed  
18 in an appropriate placement.

19 (o) (1) Nothing in this section shall prohibit a short-term  
20 residential treatment center or foster family agency that provides  
21 intensive and therapeutic treatment for purposes of the AFDC-FC  
22 program, from accepting private placements of children or youth.

23 (2) When a referral is not from a public agency and no public  
24 funding is involved, there is no requirement for public agency  
25 review nor determination of need.

26 (3) Children and youth subject to paragraphs (1) and (2) shall  
27 have been determined to ~~have an emotional disturbance, as defined~~  
28 ~~in Section 300.8(e)(4)(i) of Title 34 of the Code of Federal~~  
29 ~~Regulations~~ *be seriously emotionally disturbed, as described in*  
30 *Section 5600.3*, and subject to Section 1502.4 of the Health and  
31 Safety Code, by a licensed mental health professional, as defined  
32 in subdivision (g) of Section 4096.

33 (p) This section shall become operative on January 1, 2017.

34 ~~SEC. 66.~~

35 *SEC. 69.* Section 11462.015 is added to the Welfare and  
36 Institutions Code, to read:

37 11462.015. (a) A group home program shall be classified at  
38 RCL 13 or RCL 14 if the program meets all of the following  
39 requirements:

(1) The group home program is providing, or has proposed to provide, the level of care and services necessary to generate sufficient points in the ratesetting process to be classified at RCL 13 if the rate application is for RCL 13 or to be classified at RCL 14 if the rate application is for RCL 14.

(2) (A) (i) The group home provider shall agree not to accept for placement into a group home program AFDC-FC funded children, including voluntary placements and children who have been assessed as ~~having an emotional disturbance as defined in Section 300.8(e)(4)(i) of Title 34 of the Code of Federal Regulations~~ *seriously emotionally disturbed, as described in Section 5600.3*, placed out-of-home pursuant to an individualized education program developed under Article 2 (commencing with Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 the Education Code, who have not been approved for placement by an interagency placement committee, as described by Section 4096.1. The approval shall be in writing and shall indicate that the interagency placement committee has determined that the child ~~has an emotional disturbance as defined in Section 300.8(e)(4)(i) of Title 34 of the Code of Federal Regulations~~, *is seriously emotionally disturbed, as described in Section 5600.3*, and subject to Section 1502.45 of the Health and Safety Code, and that the child needs the level of care provided by the group home.

(ii) For purposes of clause (i), group home providers who accept children who have been assessed as ~~having emotional disturbances as defined in Section 300.8(e)(4)(i) of Title 34 of the Code of Federal Regulations~~ *seriously emotionally disturbed, as described in Section 5600.3*, who are assessed and placed out-of-home pursuant to an individualized education program developed under Article 2 (commencing with Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 the Education Code shall be deemed to have met the interagency placement committee approval for placement requirements of clause (i) if the individualized education program assessment indicates that the child has been determined to ~~have an emotional disturbance, as defined in Section 300.8(e)(4)(i) of Title 34 of the Code of Federal Regulations~~ *be seriously emotionally disturbed, as described in Section 5600.3*, and subject to Section 1502.45 of the Health and Safety Code, and needs the level of care described in clause (i).

(B) (i) Nothing in this subdivision shall prevent the emergency placement of a child into a group home program prior to the determination by the interagency placement committee pursuant to clause (i) of subparagraph (A) if a licensed mental health professional, as defined in the department's AFDC-FC ratesetting regulations, has evaluated, in writing, the child within 72 hours of placement, and has determined the child to ~~have an emotional disturbance as defined in Section 300.8(c)(4)(i) of Title 34 of the Code of Federal Regulations~~ *be seriously emotionally disturbed, as described in Section 5600.3*, and in need of the care and services provided by the group home program.

(ii) The interagency placement committee shall, within 30 days of placement pursuant to clause (i), make the determination required by clause (i) of subparagraph (A).

(iii) If, pursuant to clause (ii), the placement is determined to be appropriate, the committee shall transmit the approval, in writing, to the county placing agency and the group home provider.

(iv) If, pursuant to clause (ii) the placement is determined not to be appropriate, the child shall be removed from the group home and referred to a more appropriate placement, as specified in subdivision (f).

(C) With respect to AFDC-FC funded children, only those children who are approved for placement by an interagency placement committee may be accepted by a group home under this subdivision.

(3) The group home program is certified by the State Department of Health Care Services pursuant to Section 4096.5.

(b) The department shall not establish a rate for a group home requesting a program change to RCL 13 or RCL 14 unless the group home provider submits a recommendation from the host county or the primary placing county that the program is needed and that the provider is willing and capable of operating the program at the level sought. For purposes of this subdivision, "host county," "primary placing county," and "program change" mean the same as defined in the department's AFDC-FC ratesetting regulations.

(c) The effective date of rates set at RCL 13 or RCL 14 shall be the date that all the requirements are met, but not prior to July 1 of that fiscal year. Nothing in this section shall affect RCL 13 or RCL 14 ratesetting determinations in prior years.

(d) Any group home program that has been classified at RCL 13 or RCL 14 pursuant to the requirements of subdivision (a) shall be reclassified at the appropriate lower RCL with a commensurate reduction in rate if either of the following occurs:

(1) The group home program fails to maintain the level of care and services necessary to generate the necessary number of points for RCL 13 or RCL 14, as required by paragraph (1) of subdivision (a). The determination of points shall be made consistent with the department's AFDC-FC ratesetting regulations for other rate classification levels.

(2) The group home program fails to maintain a certified mental health treatment program as required by paragraph (3) of subdivision (a).

(3) In the event of a determination under paragraph (1), the group home may appeal the finding or submit a corrective action plan. The appeal process specified in Section 11466.6 shall be available to RCL 13 and RCL 14 group home providers. During any appeal, the group home shall maintain the appropriate level of care.

(e) The interagency placement committee shall periodically review, but no less often than that required by current law, the placement of the child. If the committee determines that the child no longer needs, or is not benefiting from, placement in a RCL 13 or RCL 14 group home, the committee shall require the removal of the child and a new disposition.

(f) (1) (A) If, at any time subsequent to placement in an RCL 13 or RCL 14 group home program, the interagency placement committee determines either that the child is not seriously emotionally disturbed or is not in need of the care and services provided by the group home program, it shall notify, in writing, both the county placing agency and the group home provider within 10 days of the determination.

(B) The county placing agency shall notify the group home provider, in writing, within five days from the date of the notice from the committee, of the county's plan for removal of the child.

(C) The county placing agency shall remove the child from the group home program within 30 days from the date of the notice from the interagency placement committee.

(2) (A) If a county placing agency does not remove a child within 30 days from the date of the notice from the interagency



1 placement committee, the group home provider shall notify the  
2 interagency placement committee and the department, in writing,  
3 of the county's failure to remove the child from the group home  
4 program.

5 (B) The group home provider shall make the notification  
6 required by subparagraph (A) within five days of the expiration  
7 of the 30-day removal period. If notification is made, a group home  
8 provider shall not be subject to an overpayment determination due  
9 to failure of the county placing agency to remove the child.

10 (3) Any county placing agency that fails to remove a child from  
11 a group home program under this paragraph within 30 days from  
12 the date of the notice from the interagency placement committee  
13 shall be assessed a penalty in the amount of the state and federal  
14 financial participation in the AFDC-FC rate paid on behalf of the  
15 child commencing on the 31st day and continuing until the child  
16 is removed.

17 (g) (1) If any RCL 13 or RCL 14 group home provider discovers  
18 that it does not have written approval for placement of any  
19 AFDC-FC funded child from the interagency placement committee,  
20 it shall notify the county placing agency, in writing, and shall  
21 request the county to obtain approval from the interagency  
22 placement committee or remove the child from the group home  
23 program. A group home provider shall have 30 days from the  
24 child's first day of placement to discover the placement error and  
25 to notify the county placing agency.

26 (2) Any county placing agency that receives notification  
27 pursuant to paragraph (2) of subdivision (f) shall obtain approval  
28 for placement from the interagency placement committee or remove  
29 the child from the group home program within 30 days from the  
30 date of the notice from the group home provider. The program  
31 shall not be reclassified to a lower RCL for a violation of the  
32 provisions referred to in this paragraph.

33 (3) (A) If a county placing agency does not have the placement  
34 of a child approved by the interagency placement committee or  
35 removed from the group home within 30 days from the date of the  
36 notice from the group home provider, the group home provider  
37 shall notify the county placing agency and the department, in  
38 writing, of the county's failure to have the placement of the child  
39 approved or remove the child from the group home program.

(B) The group home provider shall make the notification required by subparagraph (A) within five days after the expiration of the 30-day approval or removal period. If notification is made, a group home provider shall not be subject to an overpayment determination due to failure of the county placing agency to remove the child.

(C) Any group home provider that fails to notify the county placing agency pursuant to subparagraph (A) shall be assessed a penalty in the amount of the AFDC-FC rate paid to the group home provider on behalf of the child commencing on the 31st day of placement and continuing until the county placing agency is notified.

(4) Any county placing agency that fails to have the placement of a child approved or to have the child removed from the group home program within 30 days shall be assessed a penalty in the amount of the state and federal financial participation in the AFDC-FC rate paid on behalf of the child commencing on the 31st day of placement and continuing until the child is removed.

(h) The department shall develop regulations to obtain payment of assessed penalties as provided in this section. For audit purposes and the application of penalties for RCL 13 and RCL 14 programs, the department shall apply statutory provisions that were in effect during the period for which the audit was conducted.

(i) (1) Nothing in this subdivision shall prohibit a group home classified at RCL 13 or RCL 14 for purposes of the AFDC-FC program, from accepting private placements of children.

(2) When a referral is not from a public agency and no public funding is involved, there shall be no requirement for public agency review or determination of need.

(3) Children subject to paragraphs (1) and (2) shall have been assessed as ~~having an emotional disturbance, as defined in Section 300.8(c)(4)(i) of Title 34 of the Code of Federal Regulations~~ *seriously emotionally disturbed, as described in Section 5600.3*, and subject to Section 1502.45 of the Health and Safety Code, by a licensed mental health professional, as defined in subdivision (g) of Section 4096.

(j) A child shall not be placed in a group home program classified at an RCL 13 or RCL 14 if the placement is paid for with county-only funds unless the child is assessed as ~~having an emotional disturbance, as defined in Section 300.8(c)(4)(i) of Title~~

1 ~~34 of the Code of Federal Regulations, seriously emotionally~~  
2 ~~disturbed, as described in Section 5600.3, subject to Section~~  
3 ~~1502.45 of the Health and Safety Code, by a licensed mental health~~  
4 ~~professional, as defined in subdivision (g) of Section 4096.~~

5 (k) This section shall only apply to a group home that has been  
6 granted an extension pursuant to the exception process described  
7 in subdivision (d) of Section 11462.04.

8 (l) This section shall become operative on January 1, 2017.

9 (m) This section shall remain in effect only until January 1,  
10 2018, and as of that date is repealed, unless a later enacted statute,  
11 that is enacted before January 1, 2018, deletes or extends that date.

12 ~~SEC. 67.~~

13 *SEC. 70.* Section 11462.02 of the Welfare and Institutions  
14 Code is amended to read:

15 11462.02. (a) Notwithstanding paragraph (2) of subdivision  
16 (a) of Section 11462, a foster care provider licensed as a group  
17 home also may have a rate established if the group home is  
18 operated by the County of San Mateo, as provided by subdivision  
19 (h) of Section 11400.

20 (b) This section shall remain in effect only until January 1, 2017,  
21 and as of that date is repealed, unless a later enacted statute, that  
22 is enacted before January 1, 2017, deletes or extends that date.

23 ~~SEC. 68.~~

24 *SEC. 71.* Section 11462.02 is added to the Welfare and  
25 Institutions Code, to read:

26 11462.02. (a) Any existing county-operated foster family  
27 agency or group home, including the group home operated by the  
28 County of San Mateo, shall, commencing January 1, 2017, be  
29 classified as, and shall meet all of the requirements of, a foster  
30 family agency or a short-term residential treatment center, as set  
31 forth respectively in subdivisions (e) and (f) of Section 11402, to  
32 be eligible to receive AFDC-FC funds.

33 (b) Notwithstanding any other law, the State Department of  
34 Social Services may license a county as a foster family agency or  
35 as a short-term residential treatment center.

36 (c) If a county exercises its option to operate a foster family  
37 agency or a short-term residential treatment center, the county  
38 shall submit an application and shall comply with the requirements  
39 of Chapter 3 (commencing with Section 1500) of Division 2 of

1 the Health and Safety Code related to foster family agency  
2 programs or a short-term residential treatment center, as applicable.

3 (d) A county that requests, and is granted, a license for a foster  
4 family agency or short-term residential treatment center shall apply  
5 for an AFDC-FC rate pursuant to Section 11462 or 11463, as  
6 applicable.

7 (e) As a condition for eligibility for an AFDC-FC rate for a  
8 short-term residential treatment center or a foster family agency,  
9 the county shall comply with all applicable law concerning a  
10 short-term residential treatment center or foster family agency,  
11 including, but not limited to, the following provisions related to  
12 licensing, rate, audit, due process, enforcement, and overpayment  
13 collection:

14 (1) Chapter 3 (commencing with Section 1500) of Division 2  
15 of the Health and Safety Code.

16 (2) Article 10 (commencing with Section 360) of Chapter 2 of  
17 Part 1 of Division 2 of this code.

18 (3) Article 18 (commencing with Section 725) of Chapter 2 of  
19 Part 1 of Division 2 of this code.

20 (4) Article 22 (commencing with Section 825) of Chapter 2 of  
21 Part 1 of Division 2 of this code.

22 (5) Article 5 (commencing with Section 11400) of Chapter 2  
23 of Part 3 of Division 9 of this code.

24 (6) Article 6 (commencing with Section 11450) of Chapter 2  
25 of Part 3 of Division 9 of this code.

26 (f) The state is not obligated under Section 36 of Article XIII  
27 of the California Constitution to provide any annual funding to a  
28 county to comply with this section; with any regulation, executive  
29 order, or administrative order implementing this section; or with  
30 any federal statute or regulation related to this section, because  
31 the county's operation of a licensed short-term residential treatment  
32 center or foster family agency is optional for the county and is not  
33 required by this section.

34 (g) Counties licensed to operate a foster family agency or  
35 short-term residential treatment center shall, as a condition to  
36 receiving payment, ensure that its ~~conflict-of-interest~~  
37 *conflict-of-interest* mitigation plan, submitted to the department  
38 pursuant to subdivision (b) of Section 1506.1 and subdivision (c)  
39 of Section 1562.01 of the Health and Safety Code, addresses, but  
40 is not limited to, the following:

1 (1) A decision to place children and youth in a county-operated  
2 facility when alternative appropriate placement options exist.

3 (2) The reporting by county staff to the department or other  
4 agencies of observed noncompliant conditions or health and safety  
5 concerns in county-operated foster family agencies or short-term  
6 residential treatment centers.

7 (3) The cross-reporting of reports received from mandatory  
8 child abuse and neglect reporters involving county-operated foster  
9 family agencies and short-term residential treatment center  
10 programs.

11 (4) Disclosures of fatalities and near fatalities of children placed  
12 in county-operated foster family agencies and short-term residential  
13 treatment centers.

14 (h) This section shall become operative on January 1, 2017.

15 ~~SEC. 69.~~

16 *SEC. 72.* Section 11462.021 is added to the Welfare and  
17 Institutions Code, to read:

18 11462.021. (a) Notwithstanding paragraph (2) of subdivision  
19 (a) of Section 11462, a foster care provider licensed as a group  
20 home also may have a rate established if the group home is  
21 operated by the County of San Mateo, as provided by subdivision  
22 (h) of Section 11400.

23 (b) This section shall only apply to a group home that has been  
24 granted an extension pursuant to the exception process described  
25 in subdivision (d) of Section 11462.04.

26 (c) This section shall become operative on January 1, 2017.

27 (d) This section shall remain in effect only until January 1, 2018,  
28 and as of that date is repealed, unless a later enacted statute, that  
29 is enacted before January 1, 2018, deletes or extends that date.

30 ~~SEC. 70.~~

31 *SEC. 73.* Section 11462.022 is added to the Welfare and  
32 Institutions Code, to read:

33 11462.022. (a) Upon meeting the licensure requirements  
34 pursuant to Section 1530.8 of the Health and Safety Code, a county  
35 child welfare agency operating a temporary shelter care facility,  
36 as defined in Section 1530.8 of the Health and Safety Code, shall  
37 comply with this section.

38 (b) Prior to detaining the child in the temporary shelter care  
39 facility, the child welfare agency shall make reasonable efforts,  
40 consistent with current law, to place the child with a relative, tribal

1 member, nonrelative extended family member, or in a licensed,  
2 certified, approved or tribally approved foster family home or  
3 approved resource family. When the child welfare agency has  
4 reason to believe that the child is or may be an Indian child, the  
5 agency shall make active efforts to comply with the federal Indian  
6 Child Welfare Act placement preferences, as required by  
7 subdivision (k) of Section 361.31.

8 (c) A child may be detained or placed in a temporary shelter  
9 care facility only for the duration necessary to enable the county  
10 placing agency to perform the required assessments and to  
11 appropriately place the child.

12 (d) Upon admission, the temporary shelter care facility shall  
13 provide each child with health, mental health, and developmental  
14 screenings, as applicable. Commencing when a child is admitted  
15 into a temporary shelter care facility, and continuing until the  
16 child's discharge from the facility, the county welfare agency shall  
17 continuously strive to identify and place the child in an appropriate  
18 licensed or approved home or facility.

19 (e) The temporary shelter care facility shall ensure that the  
20 following services, at a minimum, are identified in the facility's  
21 plan of operation and are available to children detained at the  
22 facility:

23 (1) Medical, developmental, behavioral, and mental health  
24 assessments based on the information obtained through the  
25 screenings required pursuant to subdivision (d).

26 (2) Based on the screening, assessments, and other information  
27 obtained about the child, identification of the appropriate placement  
28 resources that meet the child's needs.

29 (3) Trauma-informed services and interventions.

30 (4) Crisis intervention services.

31 (5) Care and supervision provided by trauma-informed trained  
32 and qualified staff.

33 (6) Referrals to and coordination with service providers who  
34 can meet the medical, developmental, behavioral, or mental health  
35 needs of the child identified upon admission.

36 (7) Educational services to ensure the child's educational  
37 progress, including efforts to maintain the child in his or her school  
38 of origin if practical.

39 (8) Visitation services, including the ability to provide  
40 court-ordered, supervised visitation.

1 (9) Structured indoor and outdoor activities, including  
2 recreational and social programs.

3 (10) Transportation and other forms of support to ensure, to the  
4 extent possible, the child's ability to attend and participate in  
5 important milestone events.

6 (11) Mentorship and peer support-type programs.

7 (f) (1) In no case shall the detention or placement in a temporary  
8 shelter care facility exceed 10 calendar days. For any stay that  
9 exceeds 10 calendar days, the child welfare agency shall submit  
10 a written report to the department, within 24 hours of an overstay,  
11 that shall include a description of the reasons and circumstances  
12 for the child's overstay, and shall be signed by the county child  
13 welfare agency director or his or her designee. The department  
14 may choose not to issue a citation to the county for a violation of  
15 the 10-day placement limit when, based on the information  
16 contained in the report, the overstay is reasonable and the county  
17 is complying with subdivision (d).

18 (2) The child welfare agency may permit any child or youth to  
19 access assessment and other services described in subdivision (d)  
20 or (e) while in an out-of-home placement.

21 (3) To ensure the protection of children placed in temporary  
22 shelter care facilities, the child welfare agency shall separate  
23 children placed in temporary shelter care facilities pursuant to  
24 subdivision (b) from children returning to the shelter due to a failed  
25 placement, when possible, when circumstances warrant that  
26 separation. Temporary shelters shall staff as necessary to  
27 adequately supervise children to ensure an appropriate environment  
28 for all children present.

29 (g) At the request of the county, the department shall provide  
30 technical assistance necessary for the implementation of this  
31 section.

32 (h) The department, in consultation with the counties, shall  
33 provide a report to the Legislature no later than January 1, 2021,  
34 that shall include the number of children and youth served by  
35 temporary shelter care facilities, characteristics of children detained  
36 in these facilities, and whether there is a continued need for the  
37 licensing and operation of temporary shelter care facilities.

38 ~~SEC. 74.~~

39 *SEC. 74.* Section 11462.04 of the Welfare and Institutions  
40 Code is amended to read:

1 11462.04. (a) Notwithstanding any other law, no new group  
2 home rate or change to an existing rate shall be established pursuant  
3 to Section 11462. An application shall not be accepted or processed  
4 for any of the following:

- 5 (1) A new program.
- 6 (2) A new provider.
- 7 (3) A program change, such as a rate classification level (RCL)  
8 increase.
- 9 (4) A program capacity increase.
- 10 (5) A program reinstatement.

11 (b) Notwithstanding subdivision (a), the department may grant  
12 exceptions as appropriate on a case-by-case basis, based upon a  
13 written request and supporting documentation provided by county  
14 placing agencies, including county welfare or probation directors.

15 (c) (1) For the 2012–13, 2013–14, and 2014–15 fiscal years,  
16 notwithstanding subdivision (b), for any program below RCL 10,  
17 the only exception that may be sought and granted pursuant to this  
18 section is for an application requesting a program change, such as  
19 an RCL increase. The authority to grant other exceptions does not  
20 apply to programs below RCL 10 during these fiscal years.

21 (2) Notwithstanding paragraph (1), commencing January 1,  
22 2017, no exception shall be granted for any program below RCL  
23 10.

24 (d) This section shall remain in effect only until January 1, 2017,  
25 and as of that date is repealed, unless a later enacted statute, that  
26 is enacted before January 1, 2017, deletes or extends that date.

27 ~~SEC. 72.~~

28 *SEC. 75.* Section 11462.04 is added to the Welfare and  
29 Institutions Code, to read:

30 11462.04. (a) Notwithstanding any other law, commencing  
31 January 1, 2017, no new group home rate or change to an existing  
32 rate shall be established pursuant to the Rate Classification Level  
33 (RCL) system.

34 (b) Notwithstanding subdivision (a), the department may grant  
35 an exception as appropriate, on a case-by-case basis, when a written  
36 request and supporting documentation are provided by a county  
37 placing agency, including a county welfare or probation director,  
38 that absent the granting of that exception, there is a material risk  
39 to the welfare of children due to an inadequate supply of



1 appropriate alternative placement options to meet the needs of  
2 children.

3 (c) For group homes being paid under the RCL system, and  
4 those granted an exception pursuant to paragraph (b), group home  
5 rates shall terminate on December 31, 2016, unless granted an  
6 extension under the exception process in subdivision (d).

7 (d) A group home may request an exception to extend its rate  
8 as follows:

9 (1) The department may grant an extension for up to one year,  
10 through December 31, 2017, except as provided in paragraph (2),  
11 on a case-by-case basis, when a written request and supporting  
12 documentation are provided by a county placing agency, including  
13 a county welfare or probation director, that absent the granting of  
14 that exception, there is a material risk to the welfare of children  
15 due to an inadequate supply of appropriate alternative placement  
16 options to meet the needs of children. The exception may include  
17 time to meet the program accreditation requirement or the mental  
18 health certification requirement.

19 (2) Pursuant to Section \_\_\_\_\_, 11462.041 the department may  
20 grant an extension beyond December 31, 2017, to be reviewed  
21 every six months, on an individual case-by-case basis, when a  
22 written request and supporting documentation are provided by a  
23 county chief probation officer, that, absent granting of that  
24 extension, there is a significant risk to the safety of the youth or  
25 the public, due to an inadequate supply of short term residential  
26 treatment centers or resources families necessary to meet the needs  
27 of probation youth.

28 (3) The exception shall allow the provider to continue to receive  
29 the rate under the prior ratesetting system.

30 (e) Upon termination of an existing group home rate under the  
31 RCL system, a new rate shall not be paid until an application is  
32 approved and a rate is granted by the department pursuant to  
33 Section 11462 as a short-term residential treatment center or  
34 pursuant to Section 11463 as a foster family agency.

35 (f) The department shall, in the development of the new rate  
36 structures, consider and provide for placement of all children who  
37 are displaced as a result of reclassification of treatment facilities.

38 (g) This section shall become operative on January 1, 2017.

39 SEC. 76. Section 11462.041 is added to the Welfare and  
40 Institutions Code, to read:

1     11462.041. (a) *The Legislature recognizes that group homes*  
2 *are one of the primary placement options utilized by probation*  
3 *departments to avoid inappropriate housing of youth in a detention*  
4 *hall, more so since the 2007 realignment of most juvenile offenders*  
5 *from state supervision to county supervision. In order to further*  
6 *improve outcomes for these youth, targeted efforts will be required*  
7 *at the state and local levels to create sufficient capacity in*  
8 *home-based family care and in short-term residential treatment*  
9 *centers in order to serve these youth safely in least restrictive,*  
10 *family-based settings, whenever possible. This increased capacity*  
11 *is needed in both the number of related and unrelated family-based*  
12 *caregivers, in the caregivers' ability to meet the needs of probation*  
13 *youth, and in the services and supports available to these*  
14 *caregivers. Additionally, there must be sufficient capacity in*  
15 *short-term residential treatment centers to meet the needs of*  
16 *probation youth and ensure public safety.*

17     (b) *To meet the capacity needs described in subdivision (a),*  
18 *commencing on January 1, 2016, county probation departments*  
19 *shall do all of the following:*

20     (1) *Work with group home providers to develop short-term*  
21 *residential treatment center programs that meet the treatment*  
22 *needs of probation supervised youth in foster care.*

23     (2) *Work with foster family agencies and other community-based*  
24 *organizations to develop strategies to recruit, retain, and support*  
25 *specialized foster homes for probation youth.*

26     (3) *Work with the department on strategies to identify, engage,*  
27 *and support relative caregivers.*

28     (4) *Work with the department to define probation youth outcome*  
29 *measures to be collected and analyzed to assess implementation*  
30 *of this act.*

31     (c) *To support the activities described in subdivision (b),*  
32 *commencing on January 1, 2016, the department, in consultation*  
33 *with the Chief Probation Officers of California, shall do all of the*  
34 *following:*

35     (1) *Work with providers, courts, and county probation*  
36 *departments to develop capacity for home-based family care.*

37     (2) *Work with short-term residential treatment centers and foster*  
38 *family agencies to address the treatment needs of specific probation*  
39 *populations, including, but not limited to, sex offenders, youth with*

1 gang affiliations, youth who currently are placed out of state, and  
2 youth with mental illness.

3 (3) Develop appropriate rate structures to support probation  
4 foster youth in home-based family care.

5 (4) Identify strategies to address the systemic challenges specific  
6 to small and rural counties in meeting the needs of probation foster  
7 youth in need of placement or treatment services.

8 (5) Provide technical assistance to existing group home  
9 providers interested in serving probation youth during the  
10 transition to the short-term residential treatment center or foster  
11 family agency models outlined in this act.

12 (6) Provide technical assistance related to implementation of  
13 this section to any requesting county probation department.

14 (d) Beginning January 1, 2018, the department, in consultation  
15 with the Chief Probation Officers of California, shall assess the  
16 capacity and quality of placement options for probation youth in  
17 foster care, including home-based family care and short-term  
18 residential treatment centers. This assessment shall include:

19 (1) The number and type of placement options.

20 (2) Whether short-term residential treatment centers have  
21 developed programming tailored to address the propensity of  
22 probation youth to run away.

23 (3) The degree to which foster family agencies, community-based  
24 service providers, and county probation departments have  
25 developed the programs and services necessary to recruit, retain,  
26 and support foster families and relative caregivers serving foster  
27 youth supervised by probation departments.

28 (4) Any need for additional training and technical assistance  
29 to be provided to short-term residential treatment centers or foster  
30 family agency providers.

31 (e) The department, in consultation with the Chief Probation  
32 Officers of California and the counties, shall provide an interim  
33 report, pursuant to Section 9795 of the Government Code, to the  
34 Legislature no later than January 10, 2019, and a final report,  
35 pursuant to Section 9795 of the Government Code, to the  
36 Legislature no later than January 10, 2021, which shall include  
37 the number of youth served in home-based family care, in  
38 short-term residential treatment centers, and in group homes,  
39 characteristics of youth in these placement types, and whether  
40 there is a continued need for probation placement in group homes.

1 *The reports also shall provide recommendations on any further*  
2 *technical assistance and training, if needed, to facilitate county*  
3 *probation departments, county child welfare departments, DSS,*  
4 *and providers in strengthening the continuum of care for*  
5 *justice-involved youth.*

6 ~~SEC. 73.~~

7 *SEC. 77.* Section 11463 of the Welfare and Institutions Code  
8 is amended to read:

9 11463. (a) (1) The department, with the advice, assistance,  
10 and cooperation of the counties and foster care providers, shall  
11 develop, implement, and maintain a ratesetting system for foster  
12 family agencies.

13 (2) No county shall be reimbursed for any percentage increases  
14 in payments, made on behalf of AFDC-FC funded children who  
15 are placed with foster family agencies, that exceed the percentage  
16 cost-of-living increase provided in any fiscal year beginning on  
17 January 1, 1990, as specified in subdivision (c) of Section 11461.

18 (b) The department shall develop regulations specifying the  
19 purposes, types, and services of foster family agencies, including  
20 the use of those agencies for the provision of emergency shelter  
21 care. A distinction, for ratesetting purposes, shall be drawn between  
22 foster family agencies that provide treatment of children in foster  
23 families and those that provide nontreatment services.

24 (c) The department shall develop and maintain regulations  
25 specifying the procedure for the appeal of department decisions  
26 about the setting of an agency's rate.

27 (d) On and after July 1, 1998, the schedule of rates, and the  
28 components used in the rate calculations specified in the  
29 department's regulations, for foster family agencies shall be  
30 increased by 6 percent, rounded to the nearest dollar. The resultant  
31 amounts shall constitute the new schedule of rates for foster family  
32 agencies.

33 (e) (1) On and after July 1, 1999, the schedule of rates and the  
34 components used in the rate calculations specified in the  
35 department's regulations for foster family agencies shall be  
36 adjusted by an amount equal to the California Necessities Index  
37 computed pursuant to Section 11453, rounded to the nearest dollar,  
38 subject to the availability of funds. The resultant amounts shall  
39 constitute the new schedule of rates for foster family agencies,  
40 subject to further adjustment pursuant to paragraph (2).

1 (2) In addition to the adjustment specified in paragraph (1),  
2 commencing January 1, 2000, the schedule of rates and the  
3 components used in the rate calculations specified in the  
4 department's regulations for foster family agencies shall be  
5 increased by 2.36 percent, rounded to the nearest dollar. The  
6 resultant amounts shall constitute the new schedule of rates for  
7 foster family agencies.

8 (f) For the 1999–2000 fiscal year, foster family agency rates  
9 that are not determined by the schedule of rates set forth in the  
10 department's regulations, shall be increased by the same percentage  
11 as provided in subdivision (e).

12 (g) (1) For the 2000–01 fiscal year and each fiscal year  
13 thereafter, the foster family agency rate shall be supplemented by  
14 one hundred dollars (\$100) for clothing per year per child in care,  
15 subject to the availability of funds. The supplemental payment  
16 shall be used to supplement, and shall not be used to supplant, any  
17 clothing allowance paid in addition to the foster family agency  
18 rate.

19 (2) Notwithstanding paragraph (1), commencing with the  
20 2012–13 fiscal year, and each fiscal year thereafter, no  
21 supplemental clothing allowance shall be provided, because the  
22 rate issued in accordance with paragraph (1) of subdivision (m)  
23 takes the cost of clothing into account.

24 (h) In addition to the adjustment made pursuant to subdivision  
25 (e), the component for social work activities in the rate calculation  
26 specified in the department's regulations for foster family agencies  
27 shall be increased by 10 percent, effective January 1, 2001. This  
28 additional funding shall be used by foster family agencies solely  
29 to supplement staffing, salaries, wages, and benefit levels of staff  
30 performing social work activities. The schedule of rates shall be  
31 recomputed using the adjusted amount for social work activities.  
32 The resultant amounts shall constitute the new schedule of rates  
33 for foster family agencies. The department may require a foster  
34 family agency receiving this additional funding to certify that the  
35 funding was utilized in accordance with the provisions of this  
36 section.

37 (i) The increased rate provided by subparagraph (C) of paragraph  
38 (1) of subdivision (d) of Section 11461 shall not be used to compute  
39 the monthly amount that may be paid to licensed foster family  
40 agencies for the placement of children in certified foster homes.

(j) The total foster family agency rate by age group in effect as of January 1, 2008, paid to licensed foster family agencies for the placement of children in certified foster family homes, shall be reduced by 10 percent, effective October 1, 2009. The foster family agency shall have flexibility in applying the reduction, however, nothing shall be deducted from the child base rate, as defined in departmental regulations. When the rate is restored to at least the rate in effect on September 1, 2009, the director shall issue the declaration described in Section 1506.3 of the Health and Safety Code.

(k) Effective October 1, 2009, the total foster family agency rate by age group, in effect for those agency rates that are not determined by the schedule of rates set forth in the department's regulations, shall be reduced by the same percentage and in the same manner as provided for in subdivision (j).

(l) (1) The department shall determine, consistent with the requirements of this section and other relevant requirements under law, the rate category for each foster family agency on a biennial basis. Submission of the biennial rate application shall be according to a schedule determined by the department.

(2) The department shall adopt regulations to implement this subdivision. The adoption, amendment, repeal, or readoption of a regulation authorized by this subdivision is deemed to be necessary for the immediate preservation of the public peace, health and safety, or general welfare, for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the department is hereby exempted from the requirement to describe specific facts showing the need for immediate action.

(m) (1) On and after July 1, 2012, the basic rate payment that shall be made to the certified parent pursuant to this section for care and supervision of a child who is living in a certified home of a foster family agency, as defined in Section 11400, shall equal the basic rate for children based in a licensed or approved home, as specified in paragraph (1) of subdivision (g) of Section 11461.

(2) The basic rate payment to the certified parent made pursuant to paragraph (1) shall be adjusted annually on July 1, by the annual percentage change in the California Necessities Index, in accordance with paragraph (2) of subdivision (g) of Section 11461. The adjustment in this paragraph shall be in lieu of any adjustment pursuant to subdivision (e).

1 (n) Notwithstanding any other law, the changes to the basic rate  
2 payment specified in subdivision (m) shall not change the  
3 remaining components of the foster family agency rate. The new  
4 foster family agency rate shall be increased only by the amounts  
5 specified pursuant to subdivision (m). The resulting amounts shall  
6 constitute the new schedule of rates for foster family agencies,  
7 which shall be issued by all-county letters or similar instructions  
8 from the department.

9 (o) Beginning in the 2011–12 fiscal year, and for each fiscal  
10 year thereafter, funding and expenditures for programs and  
11 activities under this section shall be in accordance with the  
12 requirements provided in Sections 30025 and 30026.5 of the  
13 Government Code.

14 (p) (1) Notwithstanding the rulemaking provisions of the  
15 Administrative Procedure Act (Chapter 3.5 (commencing with  
16 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
17 Code), the department may implement, interpret, or make specific  
18 the changes to this section made by the act that added this section,  
19 and amend and repeal regulations and orders subject to this section  
20 and adopted by the department by means of all-county letters or  
21 similar instructions from the department until regulations are  
22 adopted. The department shall adopt emergency regulations no  
23 later than July 1, 2014. The department may readopt any emergency  
24 regulation authorized by this section that is the same as, or  
25 substantially equivalent to, an emergency regulation previously  
26 adopted under this section.

27 (2) The initial adoption of emergency regulations pursuant to  
28 this section and one readoption of emergency regulations shall be  
29 deemed an emergency and necessary for the immediate  
30 preservation of the public peace, health, safety, or general welfare.  
31 Initial emergency regulations and the one readoption of emergency  
32 regulations authorized by this section shall be exempt from review  
33 by the Office of Administrative Law. The initial emergency  
34 regulations and the one readoption of emergency regulations  
35 authorized by this section shall be submitted to the Office of  
36 Administrative Law for filing with the Secretary of State and each  
37 shall remain in effect for no more than 180 days, by which time  
38 final regulations may be adopted.

(q) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

~~SEC. 74.~~

SEC. 78. Section 11463 is added to the Welfare and Institutions Code, to read:

11463. (a) The department shall commence development of a new payment structure for the Title IV-E funded foster family agency placement option that maximizes federal funding, in consultation with county placing agencies.

(b) The department shall develop a payment system for foster family agencies that provide nontreatment, treatment, intensive treatment, and therapeutic foster care programs, and shall consider all of the following factors:

(1) Administrative activities that are eligible for federal financial participation provided, at county request, for and to county-licensed or approved family homes and resource families, intensive case management and supervision, and services to achieve legal permanency or successful transition to adulthood.

(2) Social work activities that are eligible for federal financial participation under Title IV-E of the Social Security Act.

(3) Social work and mental health services eligible for federal financial participation under Title XIX of the Social Security Act.

(4) Intensive treatment or therapeutic services in the foster family agency.

~~(5) Core services, either directly provided or secured through formal agreements with other agencies, that encompass community services and supports, physical, behavioral, and mental health support and access to services, including specialty mental health services, educational support, life and social support, transitional support services for children, youth, and families who assume permanency and for children, youth, and families who step down into lower levels of foster care, services for transition-aged youth, services for nonminor dependents, and trauma-informed practices and supports for children and youth, including treatment services.~~

*(5) Core services, made available to children and nonminor dependents either directly or secured through formal agreements with other agencies, which are trauma informed and culturally relevant and include all of the following:*



1 (A) *Specialty mental health services for children who meet*  
2 *medical necessity criteria for specialty mental health services*  
3 *under the Medi-Cal Early and Periodic Screening, Diagnosis, and*  
4 *Treatment program.*

5 (B) *Transition support services for children, youth, and families*  
6 *who assume permanency.*

7 (C) *Permanency related services, including supporting efforts*  
8 *to reunify or achieve adoption or guardianship and efforts to*  
9 *maintain or establish relationships with parents, siblings, extended*  
10 *family members, tribes, or others important to the child or youth,*  
11 *as appropriate.*

12 (D) *Education and physical, behavioral, and mental health*  
13 *supports, including extracurricular activities and social supports.*

14 (E) *Activities designed to support transition-age youth and*  
15 *nonminor dependents in achieving a successful adulthood.*

16 (F) *When serving Indian children, as defined in Section 224.1,*  
17 *the core services specified in paragraphs (A) to (E), inclusive,*  
18 *shall be provided consistent with active efforts pursuant to Section*  
19 *361.7.*

20 (6) Staff training.

21 (7) Health and Safety Code requirements.

22 (8) A process for accreditation that includes all of the following:

23 (A) Provision for all licensed foster family agencies to maintain  
24 in good standing accreditation from a nationally recognized  
25 accreditation agency with expertise in programs for youth group  
26 care facilities, as determined by the department.

27 (B) Promulgation by the department of information identifying  
28 the agency or agencies from which accreditation shall be required.

29 (C) Provision for timely reporting to the department of any  
30 change in accreditation status.

31 (9) Mental health certification, including a requirement to timely  
32 report to the department any change in mental health certificate  
33 status.

34 (10) Populations served, including, but not limited to, any of  
35 the following:

36 (A) Children and youth assessed as ~~having an emotional~~  
37 ~~disturbance as defined in Section 300.8(e)(4)(i) of Title 34 of the~~  
38 ~~Code of Federal Regulations~~ *seriously emotionally disturbed, as*  
39 *described in Section 5600.3, placed out-of-home pursuant to an*  
40 *individualized education program developed under Chapter 26.5*

1 (commencing with Section 7570) of Division 7 of Title 1 of the  
2 Government Code.

3 (B) AFDC-FC children and youth receiving intensive and  
4 therapeutic treatment services in a foster family agency.

5 (C) AFDC-FC children and youth receiving mental health  
6 treatment services from a foster family agency.

7 (11) Maximization of federal financial participation for Title  
8 IV-E and Title XIX of the Social Security Act.

9 (c) The department shall develop a system of governmental  
10 monitoring and oversight that shall be carried out in coordination  
11 with the State Department of Health Care Services. Oversight  
12 responsibilities shall include, but not be limited to, ensuring  
13 conformity with federal and state law, including program, fiscal,  
14 and health and safety reviews.

15 (d) The department shall consider the impact on children and  
16 youth being transitioned to alternate programs as a result of the  
17 new ratesetting system.

18 (e) This section shall become operative on January 1, 2017.

19 ~~SEC. 75.~~

20 *SEC. 79.* Section 11463.01 is added to the Welfare and  
21 Institutions Code, immediately after Section 11463, to read:

22 11463.01. (a) (1) The department, with the advice, assistance,  
23 and cooperation of the counties and foster care providers, shall  
24 develop, implement, and maintain a ratesetting system for foster  
25 family agencies.

26 (2) No county shall be reimbursed for any percentage increases  
27 in payments, made on behalf of AFDC-FC funded children who  
28 are placed with foster family agencies, that exceed the percentage  
29 cost-of-living increase provided in any fiscal year, as specified in  
30 subdivision (c) of Section 11461.

31 (b) The department shall develop regulations specifying the  
32 purposes, types, and services of foster family agencies, including  
33 the use of those agencies for the provision of emergency shelter  
34 care. ~~A distinction, for ratesetting purposes, shall be drawn between~~  
35 ~~foster family agencies that provide treatment of children in foster~~  
36 ~~families and those that provide nontreatment services.~~

37 (c) The department shall develop and maintain regulations  
38 specifying the procedures for the appeal of department decisions  
39 about the setting of an agency's rate.

1 (d) No supplemental clothing allowance shall be provided,  
2 because the rate issued in accordance with paragraph (1) of  
3 subdivision (g) takes the cost of clothing into account.

4 (e) The schedule of rates for foster family agencies as set forth  
5 in Section 11463, as that section read on January 1, 2015, shall  
6 apply for purposes of, and may be modified pursuant to, this  
7 section.

8 (f) (1) The department shall determine, consistent with the  
9 requirements of this section and other relevant requirements under  
10 law, the rate category for each foster family agency on a biennial  
11 basis. Submission of the biennial rate application shall be according  
12 to a schedule determined by the department.

13 (2) The department shall adopt regulations to implement this  
14 subdivision. The adoption, amendment, repeal, or readoption of a  
15 regulation authorized by this subdivision is deemed to be necessary  
16 for the immediate preservation of the public peace, health and  
17 safety, or general welfare, for purposes of Sections 11346.1 and  
18 11349.6 of the Government Code, and the department is hereby  
19 exempted from the requirement to describe specific facts showing  
20 the need for immediate action.

21 (g) (1) The basic rate payment that shall be made to the certified  
22 parent pursuant to this section for care and supervision of a child  
23 who is living in a certified home of a foster family agency, as  
24 defined in Section 11400, shall equal the basic rate for children  
25 placed in a licensed or approved home, as specified in paragraph  
26 (1) of subdivision (g) of Section 11461.

27 (2) The basic rate payment to the certified parent made pursuant  
28 to paragraph (1) shall be adjusted annually on July 1, by the annual  
29 percentage change in the California Necessities Index, in  
30 accordance with paragraph (2) of subdivision (g) of Section 11461.  
31 The adjustment in this paragraph shall be in lieu of any adjustment  
32 pursuant to subdivision (e) of Section 11463, as that section read  
33 on January 1, 2015.

34 (h) Notwithstanding any other law, the changes to the basic rate  
35 payment specified in subdivision (g) shall not change the remaining  
36 components of the foster family agency rate. The new foster family  
37 agency rate shall be increased only by the amounts specified  
38 pursuant to subdivision (g). The resulting amounts shall constitute  
39 the new schedule of rates for foster family agencies, which shall

1 be issued by all-county letters or similar instructions from the  
2 department.

3 (i) For each fiscal year, funding and expenditures for programs  
4 and activities under this section shall be in accordance with the  
5 requirements provided in Sections 30025 and 30026.5 of the  
6 Government Code.

7 (j) (1) Notwithstanding the rulemaking provisions of the  
8 Administrative Procedure Act (Chapter 3.5 (commencing with  
9 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
10 Code), the department may implement, interpret, or make specific  
11 the changes to this section made by the act that added this section,  
12 and amend and repeal regulations and orders subject to this section  
13 and adopted by the department by means of all-county letters or  
14 similar instructions from the department until regulations are  
15 adopted. The department shall adopt emergency regulations no  
16 later than July 1, 2016. The department may readopt any emergency  
17 regulation authorized by this section that is the same as, or  
18 substantially equivalent to, an emergency regulation previously  
19 adopted under this section.

20 (2) The initial adoption of emergency regulations pursuant to  
21 this section and one readoption of emergency regulations shall be  
22 deemed an emergency and necessary for the immediate  
23 preservation of the public peace, health, safety, or general welfare.  
24 Initial emergency regulations and the one readoption of emergency  
25 regulations authorized by this section shall be exempt from review  
26 by the Office of Administrative Law. The initial emergency  
27 regulations and the one readoption of emergency regulations  
28 authorized by this section shall be submitted to the Office of  
29 Administrative Law for filing with the Secretary of State and each  
30 shall remain in effect for no more than 180 days, by which time  
31 final regulations may be adopted.

32 (k) This section shall only apply to a foster family agency that  
33 has been granted an extension pursuant to the exception process  
34 described in subdivision (d) of Section 11463.1.

35 (l) This section shall become operative on January 1, 2017.

36 (m) This section shall remain in effect only until January 1,  
37 2018, and as of that date is repealed, unless a later enacted statute,  
38 that is enacted before January 1, 2018, deletes or extends that date.

1     ~~SEC. 76.~~

2     *SEC. 80.* Section 11463.1 is added to the Welfare and  
3 Institutions Code, to read:

4     11463.1. (a) Notwithstanding any other law, commencing  
5 January 1, 2017, no new foster family agency shall be established  
6 pursuant to the rate in effect through December 31, 2016.

7     (b) Notwithstanding subdivision (a), the department may grant  
8 an exception as appropriate, on a case-by-case basis, when a written  
9 request and supporting documentation are provided by a county  
10 placing agency, including a county welfare or probation director,  
11 that absent the granting of that exception, there is a material risk  
12 to the welfare of children due to an inadequate supply of  
13 appropriate alternative placement options to meet the needs of  
14 children or youth.

15     (c) Rates for foster family agencies paid under the prior rate  
16 system, and those granted an exception pursuant to subdivision  
17 (b), shall terminate on December 31, 2016, unless granted an  
18 extension under the exception process in subdivision (d).

19     (d) A foster family agency may request an exception to extend  
20 its rate as follows:

21     (1) The department may grant an extension for up to one year,  
22 through December 31, 2017, on a case-by-case basis, when a  
23 written request and supporting documentation are provided by a  
24 county placing agency, including a county welfare or probation  
25 director, that absent the granting of that exception, there is a  
26 material risk to the welfare of children or youth due to an  
27 inadequate supply of appropriate alternative placement options to  
28 meet the needs of children. The exception may include time to  
29 meet the accreditation requirement or the mental health certification  
30 requirement.

31     (2) The exception shall allow the provider to continue to receive  
32 the rate under the prior ratesetting system.

33     (e) Upon termination of an existing foster family agency rate  
34 under the prior rate system, a new rate shall not be paid until an  
35 application is approved and a rate is granted by the department  
36 pursuant to Section 11463 as a foster family agency or Section  
37 11462 as a short-term residential treatment center.

38     (f) The department shall, in the development of the new rate  
39 structures, consider and provide for placement of all children who  
40 are displaced as a result of reclassification of treatment facilities.

(g) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

~~SEC. 77.~~

*SEC. 81.* Section 11465 of the Welfare and Institutions Code is amended to read:

11465. (a) When a child is living with a parent who receives AFDC-FC or Kin-GAP benefits, the rate paid to the provider on behalf of the parent shall include an amount for care and supervision of the child.

(b) For each category of eligible licensed community care facility, as defined in Section 1502 of the Health and Safety Code, the department shall adopt regulations setting forth a uniform rate to cover the cost of care and supervision of the child in each category of eligible licensed community care facility.

(c) (1) On and after July 1, 1998, the uniform rate to cover the cost of care and supervision of a child pursuant to this section shall be increased by 6 percent, rounded to the nearest dollar. The resultant amounts shall constitute the new uniform rate.

(2) (A) On and after July 1, 1999, the uniform rate to cover the cost of care and supervision of a child pursuant to this section shall be adjusted by an amount equal to the California Necessities Index computed pursuant to Section 11453, rounded to the nearest dollar. The resultant amounts shall constitute the new uniform rate, subject to further adjustment pursuant to subparagraph (B).

(B) In addition to the adjustment specified in subparagraph (A), on and after January 1, 2000, the uniform rate to cover the cost of care and supervision of a child pursuant to this section shall be increased by 2.36 percent, rounded to the nearest dollar. The resultant amounts shall constitute the new uniform rate.

(3) Subject to the availability of funds, for the 2000–01 fiscal year and annually thereafter, these rates shall be adjusted for cost of living pursuant to procedures in Section 11453.

(4) On and after January 1, 2008, the uniform rate to cover the cost of care and supervision of a child pursuant to this section shall be increased by 5 percent, rounded to the nearest dollar. The resulting amount shall constitute the new uniform rate.

(d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the payment made pursuant to this section for care and supervision of a child who is living with a teen parent in a whole family foster

1 home, as defined in Section 11400, shall equal the basic rate for  
2 children placed in a licensed or approved home as specified in  
3 subdivisions (a) to (d), inclusive, and subdivision (g), of Section  
4 11461.

5 (2) (A) The amount paid for care and supervision of a dependent  
6 infant living with a dependent teen parent receiving AFDC-FC  
7 benefits in a group home placement shall equal the infant  
8 supplement rate for group home placements.

9 (B) Commencing January 1, 2017, the amount paid for care and  
10 supervision of a dependent infant living with a dependent teenage  
11 parent receiving AFDC-FC benefits in a short-term residential  
12 treatment center shall equal the infant supplement rate for  
13 short-term residential treatment centers established by the  
14 department.

15 (3) (A) The caregiver shall provide the county child welfare  
16 agency or probation department with a copy of the shared  
17 responsibility plan developed pursuant to Section 16501.25 and  
18 shall advise the county child welfare agency or probation  
19 department of any subsequent changes to the plan. Once the plan  
20 has been completed and provided to the appropriate agencies, the  
21 payment made pursuant to this section shall be increased by an  
22 additional two hundred dollars (\$200) per month to reflect the  
23 increased care and supervision while he or she is placed in the  
24 whole family foster home.

25 (B) A nonminor dependent parent residing in a supervised  
26 independent living placement, as defined in subdivision (w) of  
27 Section 11400, who develops a written parenting support plan  
28 pursuant to Section 16501.26 shall provide the county child welfare  
29 agency or probation department with a copy of the plan and shall  
30 advise the county child welfare agency or probation department  
31 of any subsequent changes to the plan. The payment made pursuant  
32 to this section shall be increased by an additional two hundred  
33 dollars (\$200) per month after all of the following have been  
34 satisfied:

35 (i) The plan has been completed and provided to the appropriate  
36 county agency.

37 (ii) The plan has been approved by the appropriate county  
38 agency.

39 (iii) The county agency has determined that the identified  
40 responsible adult meets the criteria specified in Section 16501.27.

(4) In a year in which the payment provided pursuant to this section is adjusted for the cost of living as provided in paragraph (1) of subdivision (c), the payments provided for in this subdivision shall also be increased by the same procedures.

(5) A Kin-GAP relative who, immediately prior to entering the Kin-GAP program, was designated as a whole family foster home shall receive the same payment amounts for the care and supervision of a child who is living with a teen parent they received in foster care as a whole family foster home.

(6) On and after January 1, 2012, the rate paid for a child living with a teen parent in a whole family foster home as defined in Section 11400 shall also be paid for a child living with a nonminor dependent parent who is eligible to receive AFDC-FC or Kin-GAP pursuant to Section 11403.

~~SEC. 78.~~

*SEC. 82.* Section 11466 is added to the Welfare and Institutions Code, to read:

11466. For the purposes of this section to Section 114691.1, inclusive, “provider” shall mean a group home, short-term residential treatment center, a foster family agency that provides treatment services, and similar foster care business entities.

~~SEC. 79.~~

*SEC. 83.* Section 11466.21 of the Welfare and Institutions Code is amended to read:

11466.21. (a) In accordance with subdivision (b), as a condition to receive an AFDC-FC rate for a program including, but not limited to, a group home, a foster family agency that provides treatment services, or a short-term residential treatment center, the following shall apply:

(1) Any provider who expends in combined federal funds an amount at or above the federal funding threshold in accordance with the federal Single Audit Act, as amended, and Section 200.501 of Title 2 of the Code of Federal Regulations shall arrange to have a financial audit conducted on an annual basis, and shall submit the annual financial audit to the department in accordance with regulations adopted by the department.

(2) Any provider who expends in combined federal funds an amount below the federal funding threshold in accordance with the federal Single Audit Act, as amended, and Section 200.501 of Title 2 of the Code of Federal Regulations shall submit to the



1 department a financial audit on its most recent fiscal period at least  
2 once every three years. The department shall provide timely notice  
3 to the providers of the date that submission of the financial audit  
4 is required. That date of submission of the financial audit shall be  
5 established in accordance with regulations adopted by the  
6 department.

7 (3) The scope of the financial audit shall include all of the  
8 programs and activities operated by the provider and shall not be  
9 limited to those funded in whole or in part by the AFDC-FC  
10 program. The financial audits shall include, but not be limited to,  
11 an evaluation of the accounting and control systems of the provider.

12 (4) The provider shall have its financial audit conducted by  
13 certified public accountants or by state-licensed public accountants  
14 who have no direct or indirect relationship with the functions or  
15 activities being audited, or with the provider, its board of directors,  
16 officers, or staff.

17 (5) The provider shall have its financial audits conducted in  
18 accordance with Government Auditing Standards issued by the  
19 Comptroller General of the United States and in compliance with  
20 generally accepted accounting principles applicable to private  
21 entities organized and operated on a nonprofit basis.

22 (6) (A) Each provider shall have the flexibility to define the  
23 calendar months included in its fiscal year.

24 (B) A provider may change the definition of its fiscal year.  
25 However, the financial audit conducted following the change shall  
26 cover all of the months since the last audit, even though this may  
27 cover a period that exceeds 12 months.

28 (b) (1) In accordance with subdivision (a), as a condition to  
29 receive an AFDC-FC rate that becomes effective on or after July  
30 1, 2000, a provider shall submit a copy of its most recent financial  
31 audit report, except as provided in paragraph (3).

32 (2) The department shall terminate the rate of a provider who  
33 fails to submit a copy of its most recent financial audit pursuant  
34 to subdivision (a). A terminated rate shall only be reinstated upon  
35 the provider's submission of an acceptable financial audit.

36 (3) Effective July 1, 2000, a new provider that has been  
37 incorporated for fewer than 12 calendar months shall not be  
38 required to submit a copy of a financial audit to receive an  
39 AFDC-FC rate for a new program. The financial audit shall be  
40 conducted on the provider's next full fiscal year of operation. The

1 provider shall submit the financial audit to the department in  
2 accordance with subdivision (a).

3 (c) The department shall implement this section through the  
4 adoption of emergency regulations.

5 ~~SEC. 80.~~

6 *SEC. 84.* Section 11466.22 of the Welfare and Institutions  
7 Code is amended to read:

8 11466.22. (a) It is the intent of the Legislature to ensure overall  
9 program integrity in the AFDC-FC program through the  
10 establishment of an effective and efficient process for the collection  
11 of provider sustained overpayments. Furthermore, the intent of the  
12 Legislature is to ensure that children placed in AFDC-FC programs,  
13 including, but not limited to, group homes, short-term residential  
14 treatment centers, and foster family agencies that provide treatment  
15 services, receive the level of care and supervision commensurate  
16 with the program's paid rate.

17 (b) For the purposes of this section, a provider is a licensee of  
18 an AFDC-FC program listed in Section 11402, including, but not  
19 limited to, a group home, short-term residential treatment center,  
20 foster family agency that provides treatment services, or a similar  
21 business entity, receiving foster care maintenance payments under  
22 the AFDC-FC program. The department may collect a sustained  
23 overpayment from the party responsible for the sustained  
24 overpayment, regardless of whether the party remains in the  
25 business of providing any AFDC-FC programs, and regardless of  
26 whether the provider remains licensed by the department.

27 (c) For the purposes of this section, a provider overpayment is  
28 an overpayment that results in an audit period when a provider  
29 receives a rate reimbursement to which it is not entitled. If a  
30 provider receives a rate reimbursement to which it is not entitled,  
31 it shall be liable to repay the overpayment.

32 (d) (1) Overpayments shall be determined by either a provider  
33 audit or a provider self-reporting an overpayment.

34 (2) If an informal hearing is not requested, or on the 60th day  
35 after an informal decision if a provider or the department does not  
36 file a notice of intent to file a formal appeal, or on the 30th day  
37 following a formal appeal hearing decision, whichever is latest, a  
38 group home provider overpayment shall be sustained for collection  
39 purposes and the department shall issue a demand letter for  
40 repayment of the sustained overpayment.

1 (3) The department shall establish a voluntary repayment  
2 agreement procedure with a maximum repayment period of nine  
3 years. The procedure shall take into account the amount of the  
4 overpayment, projected annual income of the program that caused  
5 the overpayment, a minimum repayment amount, including  
6 principal and interest, of 3 percent of annual income prorated on  
7 a monthly basis, simple interest for the first seven years of the  
8 voluntary repayment agreement on the overpayment amount based  
9 on the Surplus Money Investment Fund, and simple interest for  
10 the eighth and ninth years of the voluntary repayment agreement  
11 based on the prime rate at that time plus 3 percent. The department  
12 may adopt regulations permitting the director, at his or her  
13 discretion, to renegotiate the volunteer repayment agreement if  
14 the director determines that the agreement would cause severe  
15 harm to children in placement.

16 (4) The department shall establish an involuntary overpayment  
17 collection procedure, that shall take into account the amount of  
18 the overpayment, projected annual income, a minimum required  
19 repayment amount, including principal and interest, of 5 percent  
20 of the annual income prorated on a monthly basis, simple interest  
21 on the overpayment amount based on the Surplus Money  
22 Investment Fund, and a maximum repayment period of seven  
23 years. The department may establish regulations permitting the  
24 director at his or her discretion to renegotiate the involuntary  
25 payment agreement if the director determines that the agreement  
26 would cause severe harm to children in placement.

27 (e) The department shall develop regulations for recovery of  
28 any provider sustained overpayments. The regulations shall  
29 prioritize collection methods, which shall include voluntary  
30 repayment agreement procedures, involuntary overpayment  
31 collection procedures, including the use of a statutory lien, rate  
32 request denials, rate decreases, and rate terminations.

33 (f) Whenever the department determines that a provider  
34 sustained overpayment has occurred, the department shall recover  
35 from the provider the full amount of the sustained overpayment,  
36 and simple interest on the sustained overpayment amount, pursuant  
37 to methods described in subdivision (e), against the provider's  
38 income or assets.

(g) If a provider is successful in its appeal of a collected overpayment, it shall be repaid the collected overpayment plus simple interest based on the Surplus Money Investment Fund.

~~SEC. 81.~~

*SEC. 85.* Section 11466.25 of the Welfare and Institutions Code is amended to read:

11466.25. Interest begins to accrue on a provider overpayment on the date of the issuance of the final audit report.

~~SEC. 82.~~

*SEC. 86.* Section 11466.3 of the Welfare and Institutions Code is amended to read:

11466.3. (a) The department shall offer a voluntary repayment agreement procedure to providers that owe a sustained overpayment. A provider may enter into a voluntary repayment agreement with the department to repay a sustained overpayment. The voluntary repayment agreement shall, at a minimum, meet the requirements developed pursuant to paragraph (3) of subdivision (d) of Section 11466.2.

(b) The department shall charge simple interest on the voluntary repayment agreement in accordance with paragraph (3) of subdivision (d) of Section 11466.2.

~~SEC. 83.~~

*SEC. 87.* Section 11466.31 of the Welfare and Institutions Code is amended to read:

11466.31. (a) When it has been determined that a provider participating in the AFDC-FC program owes an overpayment that is due and payable, the department may implement involuntary offset collection procedures to collect sustained overpayments from a provider if the provider does not enter into a voluntary repayment agreement with the department or the provider has three outstanding payments on a voluntary repayment agreement before the overpayment is repaid.

(b) The minimum monthly overpayment offset amount from monthly rate reimbursements shall be determined using the involuntary collection procedures developed pursuant to paragraph (4) of subdivision (d) of Section 11466.2. Overpayments shall be offset against current monthly rate reimbursement payments due and payable to a provider under this chapter.

~~SEC. 84.~~

SEC. 88. Section 11466.32 of the Welfare and Institutions Code is amended to read:

11466.32. (a) If a provider that owes a sustained overpayment pursuant to paragraph (2) of subdivision (d) of Section 11466.2 does not enter into a voluntary repayment agreement with the department, or the provider has three outstanding payments on a voluntary repayment agreement before the overpayment is repaid, in addition to the monthly overpayment offset amount, 50 percent of any increases resulting from California Necessities Index (CNI) adjustments and provider's rate adjustments to the standard rate that are due to a provider shall be withheld until the sustained overpayment amount is collected. Once the overpayment amount is collected, the provider shall begin to prospectively receive the full amount of any California Necessities Index and rate adjustment to which it is entitled.

(b) Any provider subject to involuntary repayment of a sustained overpayment pursuant to Section 11466.31 shall be ineligible to receive any rate increase until the repayment is completed or until the host county or the primary placement county provide the department with a request for waiver of this paragraph.

~~SEC. 85.~~

SEC. 89. Section 11466.33 of the Welfare and Institutions Code is amended to read:

11466.33. (a) If any amount is due and payable to the department as a result of sustained overpayment to a provider for care and services in the AFDC-FC program, the department may file, in the office of any county clerk of any county in which the provider has real or personal property, a certificate if any of the following conditions are met:

(1) No informal hearing is requested and if a provider has not submitted a voluntary repayment agreement with the first payment, and 60 days have elapsed from the notice of audit results.

(2) No formal appeal is requested and if a provider has not submitted a voluntary repayment agreement along with the first payment, and 60 days have elapsed from the notice of the informal hearing decision.

(3) A provider has not submitted a voluntary repayment agreement along with the first payment, and 30 days have elapsed

1 after an adverse appeal decision by a hearing officer that sustains  
2 an overpayment.

3 (b) The certificate provided for pursuant to subdivision (a) shall  
4 contain:

5 (1) The amount due, owing, and unpaid, plus simple interest on  
6 the amount owing and unpaid beginning on the date the certificate  
7 is filed.

8 (2) A statement that the department has complied with this  
9 section prior to the filing of the certificate.

10 (3) A request that a lien be recorded against the provider in the  
11 amount set forth in the certificate.

12 (c) The county clerk immediately upon the filing of the  
13 certificate shall record the lien for the State of California against  
14 the provider in the amount set forth in the certificate. The lien may  
15 be filed in the chain of title of the property.

16 (d) The department shall pay the cost of the first lien, and  
17 providers shall be responsible for any subsequent liens on a  
18 sustained overpayment.

19 (e) For the first certificate filed by the department pursuant to  
20 this section, the county shall waive all filing fees.

21 ~~SEC. 86.~~

22 *SEC. 90.* Section 11466.34 of the Welfare and Institutions  
23 Code is amended to read:

24 11466.34. (a) (1) At any time within 10 years of the recording  
25 of a lien pursuant to Section 11466.33, the department may bring  
26 an action, in a superior court in the county in which the lien is  
27 filed, seeking a judgment to establish the lien as a judgment lien.

28 (2) If a judgment is obtained pursuant to paragraph (1), the  
29 county recorder shall record the lien as a judgment lien.

30 (b) An abstract of a judgment obtained pursuant to subdivision  
31 (a) or a copy thereof may be recorded with the county recorder of  
32 any county. From the time of recording, the judgment shall  
33 constitute a lien upon all real or personal property of the provider  
34 in that county owned by the provider at the time, or that the  
35 provider may afterwards, but before the lien expires, acquire. The  
36 judgment lien shall continue for 10 years from the time of recording  
37 of the abstract of judgment obtained pursuant to subdivision (a),  
38 unless sooner released or otherwise discharged.

39 (c) The judgment lien may, within 10 years from the date of  
40 recording of the abstract of judgment or within 10 years from the

1 date of the last extension of the lien in the manner provided in this  
2 section, be extended by recording a new abstract in the office of  
3 the county recorder of any county. From the date of that recording,  
4 the lien shall be extended for 10 years, unless sooner released or  
5 otherwise discharged.

6 (d) The department may release any lien imposed pursuant to  
7 this chapter, at the provider's cost, in which case any judgment  
8 pertaining to that lien is for all purposes null and void, if all of the  
9 following conditions are met:

10 (1) No temporary suspension order or license revocation actions  
11 by the department's community care licensing division is pending  
12 against a provider.

13 (2) A provider has made at least three timely payments on a  
14 voluntary repayment agreement.

15 (3) The provider submits to the department corroborative  
16 evidence that it is unable to obtain a loan from an institutional  
17 lender unless the lien is released.

18 (e) Execution shall issue upon a judgment obtained pursuant to  
19 this section upon request of the department in the same manner as  
20 execution may issue upon other judgments. Sale shall be held under  
21 that execution as prescribed in the Code of Civil Procedure. In all  
22 proceedings under this section, the director or his or her authorized  
23 agents may act on behalf of the state.

24 ~~SEC. 87.~~

25 *SEC. 91.* Section 11466.35 of the Welfare and Institutions  
26 Code is amended to read:

27 11466.35. (a) Any licensee who has been determined to owe  
28 a sustained overpayment under this chapter, and who, subsequent  
29 to notice of the sustained overpayment, has its rate terminated,  
30 shall be ineligible to apply or receive a rate for any future program  
31 until the overpayment is repaid.

32 (b) A rate application shall be denied for a provider that meets  
33 either of the following conditions:

34 (1) A provider owing a sustained overpayment under this  
35 chapter, upon the occurrence of any additional sustained  
36 overpayment, shall be ineligible to apply or receive a rate for an  
37 existing or future program until the sustained overpayments are  
38 repaid, unless a voluntary repayment agreement is approved by  
39 the department.

(2) A provider incurring a sustained overpayment that constitutes more than 60 percent of the provider's annual rate reimbursement shall be ineligible to apply or receive a rate for any existing or future programs until the sustained overpayments are repaid, unless a voluntary repayment agreement is approved by the department.

~~SEC. 88.~~

*SEC. 92.* Section 11466.36 of the Welfare and Institutions Code is amended to read:

11466.36. (a) The department may terminate a program rate if any of the following conditions are met:

(1) The department determines that, based upon the findings of a hearing officer, a rate application or information submitted by a provider was fraudulently submitted to the department.

(2) A provider with an outstanding sustained overpayment incurs a second sustained overpayment, and is unable to repay the sustained overpayments.

(3) A provider has a sustained overpayment that represents 100 percent of a provider's annual rate reimbursement.

(b) This chapter shall not be construed to affect the department's authority under other provisions of law for collection of provider sustained overpayments.

~~SEC. 89.~~

*SEC. 93.* Section 11466.5 of the Welfare and Institutions Code is amended to read:

11466.5. The department shall collect cost data and monitor the cost of providing care and supervision, and social work services, to AFDC-FC recipients. These data shall include, but not be limited to, the costs incurred for employee wages and benefits.

~~SEC. 90.~~

*SEC. 94.* Section 11466.6 of the Welfare and Institutions Code is amended to read:

11466.6. A provider who disagrees with the rate determined by the department or adjusted by a program audit may request in writing an appeal by the director or the director's designee. The department shall adopt regulations establishing procedures for the departmental appeal process.

~~SEC. 91.~~

*SEC. 95.* Section 11468 of the Welfare and Institutions Code is amended to read:



1 11468. The department shall establish administrative  
2 procedures to review the rate set by the department for AFDC-FC  
3 programs, including, but not limited to, group homes, short-term  
4 residential treatment centers, and foster family agencies that  
5 provide treatment services.

6 ~~SEC. 92.~~

7 *SEC. 96.* Section 16000 of the Welfare and Institutions Code  
8 is amended to read:

9 16000. (a) It is the intent of the Legislature to preserve and  
10 strengthen a child's family ties whenever possible, removing the  
11 child from the custody of his or her parents only when necessary  
12 for his or her welfare or for the safety and protection of the public.  
13 If a child is removed from the physical custody of his or her  
14 parents, preferential consideration shall be given whenever possible  
15 to the placement of the child with the relative as required by  
16 Section 7950 of the Family Code. If the child is removed from his  
17 or her own family, it is the purpose of this chapter to secure as  
18 nearly as possible for the child the custody, care, and discipline  
19 equivalent to that which should have been given to the child by  
20 his or her parents. It is further the intent of the Legislature to  
21 reaffirm its commitment to children who are in out-of-home  
22 placement to live in the least restrictive, most familylike setting  
23 and to live as close to the child's family as possible pursuant to  
24 subdivision (c) of Section 16501.1. Family reunification services  
25 shall be provided for expeditious reunification of the child with  
26 his or her family, as required by law. If reunification is not possible  
27 or likely, a permanent alternative shall be developed.

28 (b) It is further the intent of the Legislature that all children live  
29 with a committed, permanent, and nurturing family. Services and  
30 supports should be tailored to meet the needs of the individual  
31 child and family being served, with the ultimate goal of maintaining  
32 the family, or when this is not possible, transitioning the child or  
33 youth to a permanent family or preparing the youth for a successful  
34 transition into adulthood. When needed, short-term residential  
35 treatment center program services are a short-term, specialized,  
36 and intensive intervention that is just one part of a continuum of  
37 care available for children, youth, young adults, and their families.

38 (c) It is further the intent of the Legislature to ensure that all  
39 pupils in foster care and those who are homeless as defined by the  
40 federal McKinney-Vento Homeless Assistance Act (42 U.S.C.

1 Sec. 11301 et seq.) have the opportunity to meet the challenging  
2 state pupil academic achievement standards to which all pupils  
3 are held. In fulfilling their responsibilities to pupils in foster care,  
4 educators, county placing agencies, care providers, advocates, and  
5 the juvenile courts shall work together to maintain stable school  
6 placements and to ensure that each pupil is placed in the least  
7 restrictive educational programs, and has access to the academic  
8 resources, services, and extracurricular and enrichment activities  
9 that are available to all pupils. In all instances, educational and  
10 school placement decisions shall be based on the best interests of  
11 the child.

12 ~~SEC. 93.~~

13 *SEC. 97.* Section 16003 of the Welfare and Institutions Code  
14 is amended to read:

15 16003. (a) In order to promote the successful implementation  
16 of the statutory preference for foster care placement with a relative  
17 caregiver as set forth in Section 7950 of the Family Code, each  
18 community college district with a foster care education program  
19 shall make available orientation and training to the relative or  
20 nonrelative extended family member caregiver into whose care  
21 the county has placed a foster child pursuant to Section 1529.2 of  
22 the Health and Safety Code, including, but not limited to, courses  
23 that cover the following:

24 (1) The role, rights, and responsibilities of a relative or  
25 nonrelative extended family member caregiver caring for a child  
26 in foster care, including the right of a foster child to have fair and  
27 equal access to all available services, placement, care, treatment,  
28 and benefits, and to not be subjected to discrimination or  
29 harassment on the basis of actual or perceived race, ethnic group  
30 identification, ancestry, national origin, color, religion, sex, sexual  
31 orientation, gender identity, mental or physical disability, or HIV  
32 status.

33 (2) An overview of the child protective system.

34 (3) The effects of child abuse and neglect on child development.

35 (4) Positive discipline and the importance of self-esteem.

36 (5) Health issues in foster care.

37 (6) Accessing education and health services that are available  
38 to foster children.

39 (7) Relationship and safety issues regarding contact with one  
40 or both of the birth parents.

1 (8) Permanency options for relative or nonrelative extended  
2 family member caregivers, including legal guardianship, the  
3 Kinship Guardianship Assistance Payment Program, and kin  
4 adoption.

5 (9) Information on resources available for those who meet  
6 eligibility criteria, including out-of-home care payments, the  
7 Medi-Cal program, in-home supportive services, and other similar  
8 resources.

9 (10) Instruction on cultural competency and sensitivity relating  
10 to, and best practices for, providing adequate care to lesbian, gay,  
11 bisexual, and transgender youth in out-of-home care.

12 (11) Basic instruction on the existing laws and procedures  
13 regarding the safety of foster youth at school and the ensuring of  
14 a harassment and violence free school environment contained in  
15 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part  
16 19 of Division 1 of Title 1 of the Education Code.

17 (b) In addition to training made available pursuant to subdivision  
18 (a), each community college district with a foster care education  
19 program shall make training available to a relative or nonrelative  
20 extended family member caregiver that includes, but need not be  
21 limited to, courses that cover all of the following:

- 22 (1) Age-appropriate child development.  
23 (2) Health issues in foster care.  
24 (3) Positive discipline and the importance of self-esteem.  
25 (4) Emancipation and independent living.  
26 (5) Accessing education and health services available to foster  
27 children.

28 (6) Relationship and safety issues regarding contact with one  
29 or both of the birth parents.

30 (7) Permanency options for relative or nonrelative extended  
31 family member caregivers, including legal guardianship, the  
32 Kinship Guardianship Assistance Payment Program, and kin  
33 adoption.

34 (8) Basic instruction on the existing laws and procedures  
35 regarding the safety of foster youth at school and the ensuring of  
36 a harassment and violence free school environment contained in  
37 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part  
38 19 of Division 1 of Title 1 of the Education Code.

39 (c) In addition to the requirements of subdivisions (a) and (b),  
40 each community college district with a foster care education

1 program, in providing the orientation program, shall develop  
2 appropriate program parameters in collaboration with the counties.

3 (d) Each community college district with a foster care education  
4 program shall make every attempt to make the training and  
5 orientation programs for relative or nonrelative extended family  
6 member caregivers highly accessible in the communities in which  
7 they reside.

8 (e) When a child is placed with a relative or nonrelative extended  
9 family member caregiver, the county shall inform the caregiver  
10 of the availability of training and orientation programs and it is  
11 the intent of the Legislature that the county shall forward the names  
12 and addresses of relative or nonrelative extended family member  
13 caregivers to the appropriate community colleges providing the  
14 training and orientation programs.

15 (f) This section shall not be construed to preclude counties from  
16 developing or expanding existing training and orientation programs  
17 for foster care providers to include relative or nonrelative extended  
18 family member caregivers.

19 (g) This section shall remain in effect only until January 1, 2017,  
20 and as of that date is repealed, unless a later enacted statute, that  
21 is enacted before January 1, 2017, deletes or extends that date.

22 *SEC. 98. Section 16003.5 is added to the Welfare and*  
23 *Institutions Code, to read:*

24 *16003.5. (a) Any state funding allocated to counties for the*  
25 *purpose of recruiting, retaining, and supporting foster parents,*  
26 *relative caregivers, and resource families shall be used to increase*  
27 *the capacity and use of home-based family care and the provision*  
28 *of services and supports to such caregivers. Allowable expenditures*  
29 *of those funds shall include, but not be limited to, and shall be*  
30 *used to supplement and not supplant, resources used by a county*  
31 *for any of the following purposes:*

32 *(1) Staffing to provide and improve direct services and supports*  
33 *to licensed foster family homes, approved resource families, and*  
34 *relative caregivers, and to remove any barriers in those areas*  
35 *defined as priorities in the county implementation plan and*  
36 *subsequent reports on outcomes.*

37 *(2) Exceptional child needs not covered by the caregiver-specific*  
38 *rate that would normalize the child's experience, stabilize the*  
39 *placement, or enhance the child's well-being.*

1     (3) *Child care for licensed foster parents, approved resource*  
2 *families, and relative caregivers.*

3     (4) *Intensive relative finding, engagement, and navigation*  
4 *efforts.*

5     (5) *Emerging technological, evidence-informed, or other*  
6 *nontraditional approaches to outreach to potential foster family*  
7 *homes, resource families, and relatives.*

8     (b) (1) *The department shall provide available funding to*  
9 *counties based upon its approval of plans submitted by each county*  
10 *that requests funding described in subdivision (a). Each county*  
11 *plan shall be submitted by September 1 of any year in which*  
12 *funding is available. Each county plan shall include all of the*  
13 *following:*

14     (A) *A definition of the specific goal or goals related to*  
15 *increasing the capacity and use of home-based family care and*  
16 *the provision of services and supports to such caregivers that the*  
17 *county intends to achieve.*

18     (B) *A description of the strategy or strategies the county*  
19 *proposes to pursue to address the goal or goals identified in*  
20 *subparagraph (A).*

21     (C) *An explanation or rationale for the proposed strategy or*  
22 *strategies relative to the goal or goals identified in subparagraph*  
23 *(A).*

24     (D) *A list or description of the outcomes that shall be reported*  
25 *pursuant to subdivision (c), including baseline data for those*  
26 *outcomes.*

27     (2) *The department shall develop, following consultation with*  
28 *the County Welfare Directors Association of California and the*  
29 *Chief Probation Officers of California, criteria for the approval*  
30 *of county plans submitted pursuant to paragraph (1).*

31     (c) *As a condition of accepting state funding described in*  
32 *subdivision (a), counties receiving that funding shall, by September*  
33 *30 of the year following the end of the fiscal year in which the*  
34 *funding was available, report to the department the outcomes*  
35 *achieved through the use of that funding and the activities that*  
36 *contributed to those outcomes. This report from each receiving*  
37 *county shall be made in a manner prescribed by the department,*  
38 *following consultation with the County Welfare Directors*  
39 *Association of California and the Chief Probation Officers of*  
40 *California. Using these reports, the department shall share best*

1 *practices among counties and shall periodically update the*  
2 *Legislature.*

3 ~~SEC. 94.~~

4 *SEC. 99.* Section 16501 of the Welfare and Institutions Code  
5 is amended to read:

6 16501. (a) (1) As used in this chapter, “child welfare services”  
7 means public social services that are directed toward the  
8 accomplishment of any or all of the following purposes: protecting  
9 and promoting the welfare of all children, including disabled,  
10 homeless, dependent, or neglected children; preventing or  
11 remedying, or assisting in the solution of problems which may  
12 result in, the neglect, abuse, exploitation, or delinquency of  
13 children; preventing the unnecessary separation of children from  
14 their families by identifying family problems, assisting families  
15 in resolving their problems, and preventing breakup of the family  
16 where the prevention of child removal is desirable and possible;  
17 restoring to their families children who have been removed, by  
18 the provision of services to the child and the families; identifying  
19 children to be placed in suitable adoptive homes, in cases where  
20 restoration to the biological family is not possible or appropriate;  
21 and ensuring adequate care of children away from their homes, in  
22 cases where the child cannot be returned home or cannot be placed  
23 for adoption.

24 (2) “Child welfare services” also means services provided on  
25 behalf of children alleged to be the victims of child abuse, neglect,  
26 or exploitation. The child welfare services provided on behalf of  
27 each child represent a continuum of services, including emergency  
28 response services, family preservation services, family maintenance  
29 services, family reunification services, and permanent placement  
30 services, including supportive transition services. The individual  
31 child’s case plan is the guiding principle in the provision of these  
32 services. The case plan shall be developed within a maximum of  
33 60 days of the initial removal of the child or of the in-person  
34 response required under subdivision (f) if the child has not been  
35 removed from his or her home, or by the date of the dispositional  
36 hearing pursuant to Section 358, whichever comes first.

37 (3) “Child welfare services” are best provided in a framework  
38 that integrates service planning and delivery among multiple  
39 service systems, including the mental health system, using a  
40 team-based approach, such as a child and family team. A child

1 and family team brings together individuals that engage with the  
2 child or youth and family in assessing, planning, and delivering  
3 ~~services. services consistent with paragraph (1) of subdivision (d)~~  
4 *of Section 16501.1.* Use of a team approach increases efficiency,  
5 and thus reduces cost, by increasing coordination of formal services  
6 and integrating the natural and informal supports available to the  
7 child or youth and family.

8 (4) “Child and family team” means a supportive team that  
9 informs the process of placement and services to children and  
10 youth in foster care or who are at risk of foster care placement.  
11 The child and family team is comprised of the child or youth, the  
12 child’s family, the caregiver, the placing agency caseworker, a  
13 county mental health representative, and a representative of the  
14 child’s or youth’s tribe or Indian custodian, as applicable. As  
15 appropriate, the child and family team also may include, but is not  
16 limited to, ~~the child’s attorney~~, behavioral health representatives  
17 and other formal supports, such as educational ~~professionals~~  
18 *professionals, regional center representatives when the child is*  
19 *eligible for regional center services*, and representatives from other  
20 agencies providing services to the child or youth and family. For  
21 purposes of this definition, the child and family team also may  
22 include extended family and informal support persons, such as  
23 friends, coaches, faith-based connections, and tribes as identified  
24 by the child or youth and family. If placement into a short-term  
25 residential treatment center or a foster family agency that provides  
26 treatment services has occurred or is being considered, the mental  
27 health representative is required to be a licensed mental health  
28 professional. *Any party to the child’s case who is represented by*  
29 *an attorney may consult with his or her attorney regarding this*  
30 *process.*

31 (5) Child welfare services may include, but are not limited to,  
32 a range of service-funded activities, including case management,  
33 counseling, emergency shelter care, emergency in-home caretakers,  
34 temporary in-home caretakers, respite care, therapeutic day  
35 services, teaching and demonstrating homemakers, parenting  
36 training, substance abuse testing, and transportation. These  
37 service-funded activities shall be available to children and their  
38 families in all phases of the child welfare program in accordance  
39 with the child’s case plan and departmental regulations. Funding

1 for services is limited to the amount appropriated in the annual  
2 Budget Act and other available county funds.

3 (6) Service-funded activities to be provided may be determined  
4 by each county, based upon individual child and family needs as  
5 reflected in the service plan.

6 (7) As used in this chapter, “emergency shelter care” means  
7 emergency shelter provided to children who have been removed  
8 pursuant to Section 300 from their parent or parents or their  
9 guardian or guardians. The department may establish, by  
10 regulation, the time periods for which emergency shelter care shall  
11 be funded. For the purposes of this paragraph, “emergency shelter  
12 care” may include “transitional shelter care facilities” as defined  
13 in paragraph (11) of subdivision (a) of Section 1502 of the Health  
14 and Safety Code.

15 (b) As used in this chapter, “respite care” means temporary care  
16 for periods not to exceed 72 hours, and, in order to preserve the  
17 placement, may be extended up to 14 days in any one month  
18 pending the development of policies and regulations in consultation  
19 with county placing agencies and stakeholders. This care may be  
20 provided to the child’s parents or guardians. This care shall not be  
21 limited by regulation to care over 24 hours. These services shall  
22 not be provided for the purpose of routine, ongoing child care.

23 (c) The county shall provide child welfare services as needed  
24 pursuant to an approved service plan and in accordance with  
25 regulations promulgated, in consultation with the counties, by the  
26 department. Counties may contract for service-funded activities  
27 as defined in paragraph (1) of subdivision (a). Counties shall not  
28 contract for needs assessment, client eligibility determination, or  
29 any other activity as specified by regulations of the State  
30 Department of Social Services, except as specifically authorized  
31 in Section 16100.

32 (d) Nothing in this chapter shall be construed to affect duties  
33 which are delegated to probation officers pursuant to Sections 601  
34 and 654.

35 (e) Any county may utilize volunteer individuals to supplement  
36 professional child welfare services by providing ancillary support  
37 services in accordance with regulations adopted by the State  
38 Department of Social Services.

39 (f) As used in this chapter, emergency response services consist  
40 of a response system providing in-person response, 24 hours a day,



1 seven days a week, to reports of abuse, neglect, or exploitation, as  
2 required by Article 2.5 (commencing with Section 11164) of  
3 Chapter 2 of Title 1 of Part 4 of the Penal Code for the purpose of  
4 investigation pursuant to Section 11166 of the Penal Code and to  
5 determine the necessity for providing initial intake services and  
6 crisis intervention to maintain the child safely in his or her own  
7 home or to protect the safety of the child. County welfare  
8 departments shall respond to any report of imminent danger to a  
9 child immediately and all other reports within 10 calendar days.  
10 An in-person response is not required when the county welfare  
11 department, based upon an evaluation of risk, determines that an  
12 in-person response is not appropriate. This evaluation includes  
13 collateral, contacts, a review of previous referrals, and other  
14 relevant information, as indicated.

15 (g) As used in this chapter, family maintenance services are  
16 activities designed to provide in-home protective services to  
17 prevent or remedy neglect, abuse, or exploitation, for the purposes  
18 of preventing separation of children from their families.

19 (h) As used in this chapter, family reunification services are  
20 activities designed to provide time-limited foster care services to  
21 prevent or remedy neglect, abuse, or exploitation, when the child  
22 cannot safely remain at home, and needs temporary foster care,  
23 while services are provided to reunite the family.

24 (i) As used in this chapter, permanent placement services are  
25 activities designed to provide an alternate permanent family  
26 structure for children who because of abuse, neglect, or exploitation  
27 cannot safely remain at home and who are unlikely to ever return  
28 home. These services shall be provided on behalf of children for  
29 whom there has been a judicial determination of a permanent plan  
30 for adoption, legal guardianship, or long-term foster care, and, as  
31 needed, shall include supportive transition services to nonminor  
32 dependents, as described in subdivision (v) of Section 11400.

33 (j) As used in this chapter, family preservation services include  
34 those services specified in Section 16500.5 to avoid or limit  
35 out-of-home placement of children, and may include those services  
36 specified in that section to place children in the least restrictive  
37 environment possible.

38 (k) (1) (A) In any county electing to implement this  
39 subdivision, all county welfare department employees who have  
40 frequent and routine contact with children shall, by February 1,

1 1997, and all welfare department employees who are expected to  
2 have frequent and routine contact with children and who are hired  
3 on or after January 1, 1996, and all such employees whose duties  
4 change after January 1, 1996, to include frequent and routine  
5 contact with children, shall, if the employees provide services to  
6 children who are alleged victims of abuse, neglect, or exploitation,  
7 sign a declaration under penalty of perjury regarding any prior  
8 criminal conviction, and shall provide a set of fingerprints to the  
9 county welfare director.

10 (B) The county welfare director shall secure from the  
11 Department of Justice a criminal record to determine whether the  
12 employee has ever been convicted of a crime other than a minor  
13 traffic violation. The Department of Justice shall deliver the  
14 criminal record to the county welfare director.

15 (C) If it is found that the employee has been convicted of a  
16 crime, other than a minor traffic violation, the county welfare  
17 director shall determine whether there is substantial and convincing  
18 evidence to support a reasonable belief that the employee is of  
19 good character so as to justify frequent and routine contact with  
20 children.

21 (D) No exemption shall be granted pursuant to subparagraph  
22 (C) if the person has been convicted of a sex offense against a  
23 minor, or has been convicted of an offense specified in Section  
24 220, 243.4, 264.1, 273d, 288, or 289 of the Penal Code, or in  
25 paragraph (1) of Section 273a of, or subdivision (a) or (b) of  
26 Section 368 of, the Penal Code, or has been convicted of an offense  
27 specified in subdivision (c) of Section 667.5 of the Penal Code.  
28 The county welfare director shall suspend such a person from any  
29 duties involving frequent and routine contact with children.

30 (E) Notwithstanding subparagraph (D), the county welfare  
31 director may grant an exemption if the employee or prospective  
32 employee, who was convicted of a crime against an individual  
33 specified in paragraph (1) or (7) of subdivision (c) of Section 667.5  
34 of the Penal Code, has been rehabilitated as provided in Section  
35 4852.03 of the Penal Code and has maintained the conduct required  
36 in Section 4852.05 of the Penal Code for at least 10 years and has  
37 the recommendation of the district attorney representing the  
38 employee's or prospective employee's county of residence, or if  
39 the employee or prospective employee has received a certificate  
40 of rehabilitation pursuant to Chapter 3.5 (commencing with Section

1 4852.01) of Title 6 of Part 3 of the Penal Code. In that case, the  
2 county welfare director may give the employee or prospective  
3 employee an opportunity to explain the conviction and shall  
4 consider that explanation in the evaluation of the criminal  
5 conviction record.

6 (F) If no criminal record information has been recorded, the  
7 county welfare director shall cause a statement of that fact to be  
8 included in that person's personnel file.

9 (2) For purposes of this subdivision, a conviction means a plea  
10 or verdict of guilty or a conviction following a plea of nolo  
11 contendere. Any action that the county welfare director is permitted  
12 to take following the establishment of a conviction may be taken  
13 when the time for appeal has elapsed, or the judgment of conviction  
14 has been affirmed on appeal or when an order granting probation  
15 is made suspending the imposition of sentence, notwithstanding  
16 a subsequent order pursuant to Sections 1203.4 and 1203.4a of the  
17 Penal Code permitting the person to withdraw his or her plea of  
18 guilty and to enter a plea of not guilty, or setting aside the verdict  
19 of guilty, or dismissing the accusation, information, or indictment.  
20 For purposes of this subdivision, the record of a conviction, or a  
21 copy thereof certified by the clerk of the court or by a judge of the  
22 court in which the conviction occurred, shall be conclusive  
23 evidence of the conviction.

24 ~~SEC. 95.~~

25 *SEC. 100.* Section 16501.1 of the Welfare and Institutions  
26 Code is amended to read:

27 16501.1. (a) (1) The Legislature finds and declares that the  
28 foundation and central unifying tool in child welfare services is  
29 the case plan.

30 (2) The Legislature further finds and declares that a case plan  
31 ensures that the child receives protection and safe and proper care  
32 and case management, and that services are provided to the child  
33 and parents or other caretakers, as appropriate, in order to improve  
34 conditions in the parent's home, to facilitate the safe return of the  
35 child to a safe home or the permanent placement of the child, and  
36 to address the needs of the child while in foster care.

37 (3) The case plan shall be developed in collaboration with the  
38 child and family team as defined in paragraph (4) of subdivision  
39 (a) of Section 16501. The agency shall consider the  
40 recommendations of the child and family team. The agency shall

1 document the rationale for any inconsistencies between the case  
2 plan and the child and family team recommendations.

3 (b) (1) A case plan shall be based upon the principles of this  
4 section and the input from the child and family team.

5 (2) The case plan shall document that a preplacement assessment  
6 of the service needs of the child and family, and preplacement  
7 preventive services, have been provided, and that reasonable efforts  
8 to prevent out-of-home placement have been made.

9 (3) In determining the reasonable services to be offered or  
10 provided, the child's health and safety shall be the paramount  
11 concerns.

12 (4) Upon a determination pursuant to paragraph (1) of  
13 subdivision (e) of Section 361.5 that reasonable services will be  
14 offered to a parent who is incarcerated in a county jail or state  
15 prison, detained by the United States Department of Homeland  
16 Security, or deported to his or her country of origin, the case plan  
17 shall include information, to the extent possible, about a parent's  
18 incarceration in a county jail or the state prison, detention by the  
19 United States Department of Homeland Security, or deportation  
20 during the time that a minor child of that parent is involved in  
21 dependency care.

22 (5) Reasonable services shall be offered or provided to make it  
23 possible for a child to return to a safe home environment, unless,  
24 pursuant to subdivisions (b) and (e) of Section 361.5, the court  
25 determines that reunification services shall not be provided.

26 (6) If reasonable services are not ordered, or are terminated,  
27 reasonable efforts shall be made to place the child in a timely  
28 manner in accordance with the permanent plan and to complete  
29 all steps necessary to finalize the permanent placement of the child.

30 (c) If out-of-home placement is used to attain case plan goals,  
31 the case plan shall consider the recommendations of the child and  
32 family team.

33 (d) (1) The case plan shall include a description of the type of  
34 home or institution in which the child is to be placed, and the  
35 reasons for that placement decision. The decision regarding choice  
36 of placement shall be based upon selection of a safe setting that is  
37 the least restrictive ~~or most familylike~~ *family setting that promotes*  
38 *normal childhood experiences* and the most appropriate setting  
39 that is ~~available and in~~ *available*, close ~~proximity~~ to the parent's  
40 home, *in* proximity to the child's school, and consistent with the

1 selection of the environment best suited to meet the child's special  
2 needs and best interests. The selection shall consider, in order of  
3 priority, placement with relatives, nonrelated extended family  
4 members, and tribal members; foster family homes, resource  
5 families, and nontreatment certified homes of foster family  
6 agencies; followed by treatment and intensive treatment certified  
7 homes of foster family agencies; or multidimensional treatment  
8 foster care homes or therapeutic foster care homes; group care  
9 placements in the order of short-term residential treatment centers,  
10 group homes, community treatment facilities, and out-of-state  
11 residential treatment pursuant to Part 5 (commencing with Section  
12 7900) of Division 12 of the Family Code.

13 (2) If a treatment placement is selected for a child, the case plan  
14 shall indicate the needs of the child that necessitate this placement,  
15 the plan for transitioning the child to a less restrictive environment,  
16 and the projected timeline by which the child will be transitioned  
17 to a less restrictive environment. This section of the case plan shall  
18 be reviewed and updated at least semiannually.

19 (A) The case plan for placements in a group home, or  
20 commencing January 1, 2017, in a short-term residential treatment  
21 center, shall indicate that the county has taken into consideration  
22 Section 16010.8.

23 (B) After January 1, 2017, a child and family team meeting as  
24 defined in Section 16501 shall be convened by the county placing  
25 agency for the purpose of identifying the supports and services  
26 needed to achieve permanency and enable the child or youth to be  
27 placed in the least restrictive, most family-like setting.

28 (3) On or after January 1, 2012, for a nonminor dependent, as  
29 defined in subdivision (v) of Section 11400, who is receiving  
30 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,  
31 in addition to the above requirements, the selection of the  
32 placement, including a supervised independent living placement,  
33 as described in subdivision (w) of Section 11400, shall also be  
34 based upon the developmental needs of young adults by providing  
35 opportunities to have incremental responsibilities that prepare a  
36 nonminor dependent to transition to independent living. If  
37 admission to, or continuation in, a group home placement is being  
38 considered for a nonminor dependent, the group home placement  
39 approval decision shall include a youth-driven, team-based case  
40 planning process, as defined by the department, in consultation

1 with stakeholders. The case plan shall consider the full range of  
2 placement options, and shall specify why admission to, or  
3 continuation in, a group home placement is the best alternative  
4 available at the time to meet the special needs or well-being of the  
5 nonminor dependent, and how the placement will contribute to the  
6 nonminor dependent's transition to independent living. The case  
7 plan shall specify the treatment strategies that will be used to  
8 prepare the nonminor dependent for discharge to a less restrictive  
9 and more familylike setting, including a target date for discharge  
10 from the group home placement. The placement shall be reviewed  
11 and updated on a regular, periodic basis to ensure that continuation  
12 in the group home remains in the best interests of the nonminor  
13 dependent and that progress is being made in achieving case plan  
14 goals leading to independent living. The group home placement  
15 planning process shall begin as soon as it becomes clear to the  
16 county welfare department or probation office that a foster child  
17 in group home placement is likely to remain in group home  
18 placement on his or her 18th birthday, in order to expedite the  
19 transition to a less restrictive and more familylike setting if he or  
20 she becomes a nonminor dependent. The case planning process  
21 shall include informing the youth of all of his or her options,  
22 including, but not limited to, admission to or continuation in a  
23 group home placement. Consideration for continuation of existing  
24 group home placement for a nonminor dependent under 19 years  
25 of age may include the need to stay in the same placement in order  
26 to complete high school. After a nonminor dependent either  
27 completes high school or attains his or her 19th birthday, whichever  
28 is earlier, continuation in or admission to a group home is  
29 prohibited unless the nonminor dependent satisfies the conditions  
30 of paragraph (5) of subdivision (b) of Section 11403, and group  
31 home placement functions as a short-term transition to the  
32 appropriate system of care. Treatment services provided by the  
33 group home placement to the nonminor dependent to alleviate or  
34 ameliorate the medical condition, as described in paragraph (5) of  
35 subdivision (b) of Section 11403, shall not constitute the sole basis  
36 to disqualify a nonminor dependent from the group home  
37 placement.

38 (4) In addition to the requirements of paragraphs (1) to (3),  
39 inclusive, and taking into account other statutory considerations  
40 regarding placement, the selection of the most appropriate home

1 that will meet the child's special needs and best interests shall also  
2 promote educational stability by taking into consideration  
3 proximity to the child's school of origin, and school attendance  
4 area, the number of school transfers the child has previously  
5 experienced, and the child's school matriculation schedule, in  
6 addition to other indicators of educational stability that the  
7 Legislature hereby encourages the State Department of Social  
8 Services and the State Department of Education to develop.

9 (e) A written case plan shall be completed within a maximum  
10 of 60 days of the initial removal of the child or of the in-person  
11 response required under subdivision (f) of Section 16501 if the  
12 child has not been removed from his or her home, or by the date  
13 of the dispositional hearing pursuant to Section 358, whichever  
14 occurs first. The case plan shall be updated, as the service needs  
15 of the child and family dictate. At a minimum, the case plan shall  
16 be updated in conjunction with each status review hearing  
17 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and  
18 the hearing conducted pursuant to Section 366.26, but no less  
19 frequently than once every six months. Each updated case plan  
20 shall include a description of the services that have been provided  
21 to the child under the plan and an evaluation of the appropriateness  
22 and effectiveness of those services.

23 (1) It is the intent of the Legislature that extending the maximum  
24 time available for preparing a written case plan from 30 to 60 days  
25 will afford caseworkers time to actively engage families, and to  
26 solicit and integrate into the case plan the input of the child and  
27 the child's family, as well as the input of relatives and other  
28 interested parties.

29 (2) The extension of the maximum time available for preparing  
30 a written case plan from the 30 to 60 days shall be effective 90  
31 days after the date that the department gives counties written notice  
32 that necessary changes have been made to the Child Welfare  
33 Services Case Management System to account for the 60-day  
34 timeframe for preparing a written case plan.

35 (f) The child welfare services case plan shall be comprehensive  
36 enough to meet the juvenile court dependency proceedings  
37 requirements pursuant to Article 6 (commencing with Section 300)  
38 of Chapter 2 of Part 1 of Division 2.

39 (g) The case plan shall be developed in collaboration with the  
40 child and family team, as follows:

1 (1) The case plan shall be based upon an assessment of the  
2 circumstances that required child welfare services intervention.  
3 The child shall be involved in developing the case plan as age and  
4 developmentally appropriate.

5 (2) The case plan shall identify specific goals and the  
6 appropriateness of the planned services in meeting those goals.

7 (3) The case plan shall identify the original allegations of abuse  
8 or neglect, as defined in Article 2.5 (commencing with Section  
9 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the  
10 conditions cited as the basis for declaring the child a dependent of  
11 the court pursuant to Section 300, or all of these, and the other  
12 precipitating incidents that led to child welfare services  
13 intervention.

14 (4) The case plan shall include a description of the schedule of  
15 the placement agency contacts with the child and the family or  
16 other caretakers. The frequency of these contacts shall be in  
17 accordance with regulations adopted by the State Department of  
18 Social Services. If the child has been placed in foster care out of  
19 state, the county social worker or probation officer, or a social  
20 worker or probation officer on the staff of the agency in the state  
21 in which the child has been placed, shall visit the child in a foster  
22 family home or the home of a relative, consistent with federal law  
23 and in accordance with the department's approved state plan. For  
24 children in out-of-state group home facilities, visits shall be  
25 conducted at least monthly, pursuant to Section 16516.5. At least  
26 once every six months, at the time of a regularly scheduled  
27 placement agency contact with the foster child, the child's social  
28 worker or probation officer shall inform the child of his or her  
29 rights as a foster child, as specified in Section 16001.9. The social  
30 worker or probation officer shall provide the information to the  
31 child in a manner appropriate to the age or developmental level of  
32 the child.

33 (5) (A) When out-of-home services are used, the frequency of  
34 contact between the natural parents or legal guardians and the child  
35 shall be specified in the case plan. The frequency of those contacts  
36 shall reflect overall case goals, and consider other principles  
37 outlined in this section.

38 (B) Information regarding any court-ordered visitation between  
39 the child and the natural parents or legal guardians, and the terms  
40 and conditions needed to facilitate the visits while protecting the



1 safety of the child, shall be provided to the child's out-of-home  
2 caregiver as soon as possible after the court order is made.

3 (6) When out-of-home placement is made, the case plan shall  
4 include provisions for the development and maintenance of sibling  
5 relationships as specified in subdivisions (b), (c), and (d) of Section  
6 16002. If appropriate, when siblings who are dependents of the  
7 juvenile court are not placed together, the social worker for each  
8 child, if different, shall communicate with each of the other social  
9 workers and ensure that the child's siblings are informed of  
10 significant life events that occur within their extended family.  
11 Unless it has been determined that it is inappropriate in a particular  
12 case to keep siblings informed of significant life events that occur  
13 within the extended family, the social worker shall determine the  
14 appropriate means and setting for disclosure of this information  
15 to the child commensurate with the child's age and emotional  
16 well-being. These significant life events shall include, but shall  
17 not be limited to, the following:

18 (A) The death of an immediate relative.

19 (B) The birth of a sibling.

20 (C) Significant changes regarding a dependent child, unless the  
21 child objects to the sharing of the information with his or her  
22 siblings, including changes in placement, major medical or mental  
23 health diagnoses, treatments, or hospitalizations, arrests, and  
24 changes in the permanent plan.

25 (7) If out-of-home placement is made in a foster family home,  
26 group home, or other child care institution that is either a  
27 substantial distance from the home of the child's parent or out of  
28 state, the case plan shall specify the reasons why that placement  
29 is in the best interest of the child. When an out-of-state group home  
30 placement is recommended or made, the case plan shall, in  
31 addition, specify compliance with Section 7911.1 of the Family  
32 Code.

33 (8) Effective January 1, 2010, a case plan shall ensure the  
34 educational stability of the child while in foster care and shall  
35 include both of the following:

36 (A) An assurance that the placement takes into account the  
37 appropriateness of the current educational setting and the proximity  
38 to the school in which the child is enrolled at the time of placement.

39 (B) An assurance that the placement agency has coordinated  
40 with the person holding the right to make educational decisions

1 for the child and appropriate local educational agencies to ensure  
2 that the child remains in the school in which the child is enrolled  
3 at the time of placement or, if remaining in that school is not in  
4 the best interests of the child, assurances by the placement agency  
5 and the local educational agency to provide immediate and  
6 appropriate enrollment in a new school and to provide all of the  
7 child's educational records to the new school.

8 (9) (A) If out-of-home services are used, or if parental rights  
9 have been terminated and the case plan is placement for adoption,  
10 the case plan shall include a recommendation regarding the  
11 appropriateness of unsupervised visitation between the child and  
12 any of the child's siblings. This recommendation shall include a  
13 statement regarding the child's and the siblings' willingness to  
14 participate in unsupervised visitation. If the case plan includes a  
15 recommendation for unsupervised sibling visitation, the plan shall  
16 also note that information necessary to accomplish this visitation  
17 has been provided to the child or to the child's siblings.

18 (B) Information regarding the schedule and frequency of the  
19 visits between the child and siblings, as well as any court-ordered  
20 terms and conditions needed to facilitate the visits while protecting  
21 the safety of the child, shall be provided to the child's out-of-home  
22 caregiver as soon as possible after the court order is made.

23 (10) If out-of-home services are used and the goal is  
24 reunification, the case plan shall describe the services to be  
25 provided to assist in reunification and the services to be provided  
26 concurrently to achieve legal permanency if efforts to reunify fail.  
27 The plan shall also consider in-state and out-of-state placements,  
28 the importance of developing and maintaining sibling relationships  
29 pursuant to Section 16002, and the desire and willingness of the  
30 caregiver to provide legal permanency for the child if reunification  
31 is unsuccessful.

32 (11) If out-of-home services are used, the child has been in care  
33 for at least 12 months, and the goal is not adoptive placement, the  
34 case plan shall include documentation of the compelling reason  
35 or reasons why termination of parental rights is not in the child's  
36 best interest. A determination completed or updated within the  
37 past 12 months by the department when it is acting as an adoption  
38 agency or by a licensed adoption agency that it is unlikely that the  
39 child will be adopted, or that one of the conditions described in

1 paragraph (1) of subdivision (c) of Section 366.26 applies, shall  
2 be deemed a compelling reason.

3 (12) (A) Parents and legal guardians shall have an opportunity  
4 to review the case plan, and to sign it whenever possible, and then  
5 shall receive a copy of the plan. In a voluntary service or placement  
6 agreement, the parents or legal guardians shall be required to  
7 review and sign the case plan. Whenever possible, parents and  
8 legal guardians shall participate in the development of the case  
9 plan. Commencing January 1, 2012, for nonminor dependents, as  
10 defined in subdivision (v) of Section 11400, who are receiving  
11 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant  
12 to Section 11403, the transitional independent living case plan, as  
13 set forth in subdivision (y) of Section 11400, shall be developed  
14 with, and signed by, the nonminor.

15 (B) Parents and legal guardians shall be advised that, pursuant  
16 to Section 1228.1 of the Evidence Code, neither their signature on  
17 the child welfare services case plan nor their acceptance of any  
18 services prescribed in the child welfare services case plan shall  
19 constitute an admission of guilt or be used as evidence against the  
20 parent or legal guardian in a court of law. However, they shall also  
21 be advised that the parent's or guardian's failure to cooperate,  
22 except for good cause, in the provision of services specified in the  
23 child welfare services case plan may be used in any hearing held  
24 pursuant to Section 366.21, 366.22, or 366.25 as evidence.

25 (13) A child shall be given a meaningful opportunity to  
26 participate in the development of the case plan and state his or her  
27 preference for foster care placement. A child who is 12 years of  
28 age or older and in a permanent placement shall also be given the  
29 opportunity to review the case plan, sign the case plan, and receive  
30 a copy of the case plan.

31 (14) The case plan shall be included in the court report and shall  
32 be considered by the court at the initial hearing and each review  
33 hearing. Modifications to the case plan made during the period  
34 between review hearings need not be approved by the court if the  
35 casework supervisor for that case determines that the modifications  
36 further the goals of the plan. If out-of-home services are used with  
37 the goal of family reunification, the case plan shall consider and  
38 describe the application of subdivision (b) of Section 11203.

39 (15) If the case plan has as its goal for the child a permanent  
40 plan of adoption or placement in another permanent home, it shall

1 include a statement of the child's wishes regarding their permanent  
2 placement plan and an assessment of those stated wishes. The  
3 agency shall also include documentation of the steps the agency  
4 is taking to find an adoptive family or other permanent living  
5 arrangements for the child; to place the child with an adoptive  
6 family, an appropriate and willing relative, a legal guardian, or in  
7 another planned permanent living arrangement; and to finalize the  
8 adoption or legal guardianship. At a minimum, the documentation  
9 shall include child-specific recruitment efforts, such as the use of  
10 state, regional, and national adoption exchanges, including  
11 electronic exchange systems, when the child has been freed for  
12 adoption. If the plan is for kinship guardianship, the case plan shall  
13 document how the child meets the kinship guardianship eligibility  
14 requirements.

15 (16) (A) When appropriate, for a child who is 16 years of age  
16 or older and, commencing January 1, 2012, for a nonminor  
17 dependent, the case plan shall include the transitional independent  
18 living plan (TILP), a written description of the programs and  
19 services that will help the child, consistent with the child's best  
20 interests, to prepare for the transition from foster care to  
21 independent living, and, in addition, whether the youth has an  
22 in-progress application pending for Title XVI Supplemental  
23 Security Income benefits or for Special Immigrant Juvenile Status  
24 or other applicable application for legal residency and an active  
25 dependency case is required for that application. When appropriate,  
26 for a nonminor dependent, the transitional independent living case  
27 plan, as described in subdivision (v) of Section 11400, shall include  
28 the TILP, a written description of the programs and services that  
29 will help the nonminor dependent, consistent with his or her best  
30 interests, to prepare for transition from foster care and assist the  
31 youth in meeting the eligibility criteria set forth in paragraphs (1)  
32 to (5), inclusive, of subdivision (b) Section 11403. If applicable,  
33 the case plan shall describe the individualized supervision provided  
34 in the supervised independent living placement as defined in  
35 subdivision (w) of Section 11400. The case plan shall be developed  
36 with the child or nonminor dependent and individuals identified  
37 as important to the child or nonminor dependent, and shall include  
38 steps the agency is taking to ensure that the child or nonminor  
39 dependent achieves permanence, including maintaining or  
40 obtaining permanent connections to caring and committed adults.

1 (B) During the 90-day period prior to the participant attaining  
2 18 years of age or older as the state may elect under Section  
3 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.  
4 675(8)(B)(iii)), whether during that period foster care maintenance  
5 payments are being made on the child's behalf or the child is  
6 receiving benefits or services under Section 477 of the federal  
7 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other  
8 appropriate agency staff or probation officer and other  
9 representatives of the participant, as appropriate, shall provide the  
10 youth or nonminor with assistance and support in developing the  
11 written 90-day transition plan, that is personalized at the direction  
12 of the child, information as detailed as the participant elects that  
13 shall include, but not be limited to, options regarding housing,  
14 health insurance, education, local opportunities for mentors and  
15 continuing support services, and workforce supports and  
16 employment services, a power of attorney for health care, and  
17 information regarding the advance health care directive form.

18 (C) For youth 16 years of age or older, the case plan shall  
19 include documentation that a consumer credit report was requested  
20 annually from each of the three major credit reporting agencies at  
21 no charge to the youth and that any results were provided to the  
22 youth. For nonminor dependents, the case plan shall include  
23 documentation that the county assisted the nonminor dependent  
24 in obtaining his or her reports. The case plan shall include  
25 documentation of barriers, if any, to obtaining the credit reports.  
26 If the consumer credit report reveals any accounts, the case plan  
27 shall detail how the county ensured the youth received assistance  
28 with interpreting the credit report and resolving any inaccuracies,  
29 including any referrals made for the assistance.

30 (h) If the court finds, after considering the case plan, that  
31 unsupervised sibling visitation is appropriate and has been  
32 consented to, the court shall order that the child or the child's  
33 siblings, the child's current caregiver, and the child's prospective  
34 adoptive parents, if applicable, be provided with information  
35 necessary to accomplish this visitation. This section does not  
36 require or prohibit the social worker's facilitation, transportation,  
37 or supervision of visits between the child and his or her siblings.

38 (i) The case plan documentation on sibling placements required  
39 under this section shall not require modification of existing case

1 plan forms until the Child Welfare Services Case Management  
2 System is implemented on a statewide basis.

3 (j) When a child is 10 years of age or older and has been in  
4 out-of-home placement for six months or longer, the case plan  
5 shall include an identification of individuals, other than the child's  
6 siblings, who are important to the child and actions necessary to  
7 maintain the child's relationship with those individuals, provided  
8 that those relationships are in the best interest of the child. The  
9 social worker or probation officer shall ask every child who is 10  
10 years of age or older and who has been in out-of-home placement  
11 for six months or longer to identify individuals other than the  
12 child's siblings who are important to the child, and may ask any  
13 other child to provide that information, or may seek that  
14 information from the child and family team, as appropriate. The  
15 social worker or probation officer shall make efforts to identify  
16 other individuals who are important to the child, consistent with  
17 the child's best interests.

18 (k) The child's caregiver shall be provided a copy of a plan  
19 outlining the child's needs and services. The nonminor dependent's  
20 caregiver shall be provided with a copy of the nonminor's TILP.

21 (l) On or before June 30, 2008, the department, in consultation  
22 with the County Welfare Directors Association of California and  
23 other advocates, shall develop a comprehensive plan to ensure that  
24 90 percent of foster children are visited by their caseworkers on a  
25 monthly basis by October 1, 2011, and that the majority of the  
26 visits occur in the residence of the child. The plan shall include  
27 any data reporting requirements necessary to comply with the  
28 provisions of the federal Child and Family Services Improvement  
29 Act of 2006 (Public Law 109-288).

30 (m) The implementation and operation of the amendments to  
31 subdivision (i) enacted at the 2005–06 Regular Session shall be  
32 subject to appropriation through the budget process and by phase,  
33 as provided in Section 366.35.

34 ~~SEC. 96.~~

35 *SEC. 101.* Section 16519.5 of the Welfare and Institutions  
36 Code is amended to read:

37 16519.5. (a) The State Department of Social Services, in  
38 consultation with county child welfare agencies, foster parent  
39 associations, and other interested community parties, shall  
40 implement a unified, family friendly, and child-centered resource

1 family approval process to replace the existing multiple processes  
2 for licensing foster family homes, approving relatives and  
3 nonrelative extended family members as foster care providers, and  
4 approving adoptive families.

5 (b) (1) Counties shall be selected to participate on a voluntary  
6 basis as early implementation counties for the purpose of  
7 participating in the initial development of the approval process.  
8 Early implementation counties shall be selected according to  
9 criteria developed by the department in consultation with the  
10 County Welfare Directors Association. In selecting the five early  
11 implementation counties, the department shall promote diversity  
12 among the participating counties in terms of size and geographic  
13 location.

14 (2) Additional counties may participate in the early  
15 implementation of the program upon authorization by the  
16 department.

17 (c) (1) For the purposes of this chapter, “resource family” means  
18 an individual or couple that a participating county or foster family  
19 agency determines to have successfully met both the ~~home approval~~  
20 *environment assessment* standards and the permanency assessment  
21 criteria adopted pursuant to subdivision (d) necessary for providing  
22 care for a related or unrelated child who is under the jurisdiction  
23 of the juvenile court, or otherwise in the care of a county child  
24 welfare agency or probation department. A resource family shall  
25 demonstrate all of the following:

26 (A) An understanding of the safety, permanence, and well-being  
27 needs of children who have been victims of child abuse and neglect,  
28 and the capacity and willingness to meet those needs, including  
29 the need for protection, and the willingness to make use of support  
30 resources offered by the agency, or a support structure in place,  
31 or both.

32 (B) An understanding of children’s needs and development,  
33 effective parenting skills or knowledge about parenting, and the  
34 capacity to act as a reasonable, prudent parent in day-to-day  
35 decisionmaking.

36 (C) An understanding of his or her role as a resource family and  
37 the capacity to work cooperatively with the agency and other  
38 service providers in implementing the child’s case plan.

39 (D) The financial ability within the household to ensure the  
40 stability and financial security of the family.

1 (E) An ability and willingness to ~~maintain the least restrictive~~  
2 ~~and most familylike environment~~ *provide a family setting that*  
3 *promotes normal childhood experiences* that serves the needs of  
4 the child.

5 (2) Subsequent to meeting the criteria set forth in this  
6 subdivision and designation as a resource family, a resource family  
7 shall be considered eligible to provide foster care for related and  
8 unrelated children in out-of-home placement, shall be considered  
9 approved for adoption or guardianship, and shall not have to  
10 undergo any additional approval or licensure as long as the family  
11 lives in a county participating in the program.

12 (3) Resource family ~~assessment and approval~~ means that the  
13 applicant *successfully* meets the ~~standard for home approval, and~~  
14 ~~has successfully completed a permanency assessment.~~ *home*  
15 *environment assessment and permanency assessment standards.*  
16 This approval is in lieu of the existing foster care license, relative  
17 or nonrelative extended family member approval, and the adoption  
18 home study approval.

19 (4) Approval of a resource family does not guarantee an initial  
20 or continued placement of a child with a resource family.

21 (d) Prior to implementation of this program, the department  
22 shall adopt standards pertaining to ~~the home approval environment~~  
23 ~~and permanency assessment assessments~~ of a resource family.

24 (1) Resource family ~~home approval environment assessment~~  
25 standards shall include, but not be limited to, all of the following:

26 (A) (i) Criminal records clearance of all adults residing in, or  
27 regularly present in, the home, and not exempted from  
28 fingerprinting, as set forth in subdivision (b) of Section 1522 of  
29 the Health and Safety Code, pursuant to Section 8712 of the Family  
30 Code, utilizing a check of the Child Abuse Central Index (CACI),  
31 and receipt of a fingerprint-based state and federal criminal  
32 offender record information search response. The criminal history  
33 information shall include subsequent state and federal arrest and  
34 disposition notifications pursuant to Section 11105.2 of the Penal  
35 Code.

36 (ii) Consideration of any substantiated allegations of child abuse  
37 or neglect against either the applicant or any other adult residing  
38 in the home. An approval may not be granted to applicants whose  
39 criminal record indicates a conviction for any of the offenses



1 specified in subdivision (g) of Section 1522 of the Health and  
2 Safety Code.

3 (iii) If the resource family parent, applicant, or any other person  
4 specified in subdivision (b) of Section 1522 of the Health and  
5 Safety Code has been convicted of a crime other than a minor  
6 traffic violation, except for the civil penalty language, the criminal  
7 background check provisions specified in subdivisions (d) through  
8 (f) of Section 1522 of the Health and Safety Code shall apply.  
9 Exemptions from the criminal records clearance requirements set  
10 forth in this section may be granted by the director or the early  
11 implementation county, if that county has been granted permission  
12 by the director to issue criminal records exemptions pursuant to  
13 Section 361.4, using the exemption criteria currently used for foster  
14 care licensing as specified in subdivision (g) of Section 1522 of  
15 the Health and Safety Code.

16 (B) Buildings and grounds and storage requirements set forth  
17 in Sections 89387 and 89387.2 of Title 22 of the California Code  
18 of Regulations.

19 (C) In addition to the foregoing requirements, the resource  
20 family home-approval *environment assessment* standards shall also  
21 require the following:

22 (i) That the applicant demonstrate an understanding about the  
23 rights of children in care and his or her responsibility to safeguard  
24 those rights.

25 (ii) That the total number of children residing in the home of a  
26 resource family shall be no more than the total number of children  
27 the resource family can properly care for, regardless of status, and  
28 shall not exceed six children, unless exceptional circumstances  
29 that are documented in the foster child's case file exist to permit  
30 a resource family to care for more children, including, but not  
31 limited to, the need to place siblings together.

32 (iii) That the applicant understands his or her responsibilities  
33 with respect to acting as a reasonable and prudent parent, and  
34 maintaining the least restrictive environment that serves the needs  
35 of the child.

36 ~~(D) The results of a caregiver risk assessment are consistent~~  
37 ~~with the factors listed in subparagraphs (A) to (D), inclusive, of~~  
38 ~~paragraph (1) of subdivision (c). A caregiver risk assessment shall~~  
39 ~~include, but not be limited to, physical and mental health, alcohol~~

1 ~~and other substance use and abuse, and family and domestic~~  
2 ~~violence.~~

3 (2) The resource family permanency assessment standards shall  
4 include, but not be limited to, all of the following:

5 (A) The applicant shall complete caregiver training.

6 (B) (i) The applicant shall complete a psychosocial *assessment*,  
7 *which shall include the results of a risk assessment.*

8 (ii) *A caregiver risk assessment shall include, but shall not be*  
9 *limited to, physical and mental health, alcohol and other substance*  
10 *use and abuse, family and domestic violence, and the factors listed*  
11 *in subparagraphs (A) and (D) of paragraph (1) of subdivision (c).*

12 (C) The applicant shall complete any other activities that relate  
13 to a resource family's ability to achieve permanency with the child.

14 (e) (1) A child may be placed with a resource family that has  
15 ~~received home approval~~ *successfully completed the home*  
16 *environment assessment* prior to completion of a permanency  
17 assessment only if a compelling reason for the placement exists  
18 based on the needs of the child.

19 (2) The permanency assessment shall be completed within 90  
20 days of the child's placement in the ~~approved~~ home, unless good  
21 cause exists based upon the needs of the child.

22 (3) If additional time is needed to complete the permanency  
23 assessment, the county shall document the extenuating  
24 circumstances for the delay and generate a timeframe for the  
25 completion of the permanency assessment.

26 (4) The county shall report to the department on a quarterly  
27 basis the number of families with a child in an approved home  
28 whose permanency assessment goes beyond 90 days and  
29 summarize the reasons for these delays.

30 (5) A child may be placed with a relative, as defined in Section  
31 319, or nonrelative extended family member, as defined in Section  
32 362.7, ~~prior to home approval and completion of the permanency~~  
33 ~~assessment~~ *applying as a resource family* only on an emergency  
34 basis if all of the following requirements are met:

35 (A) Consideration of the results of a criminal records check  
36 conducted pursuant to Section 16504.5 of the relative or nonrelative  
37 extended family member and of every other adult in the home.

38 (B) Consideration of the results of the Child Abuse Central  
39 Index (CACI) consistent with Section 1522.1 of the Health and

1 Safety Code of the relative or nonrelative extended family member,  
2 and of every other adult in the home.

3 (C) The home and grounds are free of conditions that pose undue  
4 risk to the health and safety of the child.

5 (D) For any placement made pursuant to this paragraph, the  
6 county shall initiate the home ~~approval process~~ *environment*  
7 *assessment* no later than five business days after the placement,  
8 which shall include a face-to-face interview with the resource  
9 family applicant and child.

10 (E) For any placement made pursuant to this paragraph,  
11 AFDC-FC funding shall not be available until ~~the home has been~~  
12 ~~approved.~~ *approval of the resource family has been completed.*

13 (F) Any child placed under this section shall be afforded all the  
14 rights set forth in Section 16001.9.

15 (f) The State Department of Social Services shall be responsible  
16 for all of the following:

17 (1) Selecting early implementation counties, based on criteria  
18 established by the department in consultation with the County  
19 Welfare Directors Association.

20 (2) Establishing timeframes for participating counties to submit  
21 an implementation plan, enter into terms and conditions for  
22 participation in the program, train appropriate staff, and accept  
23 applications from resource families.

24 (3) Entering into terms and conditions for participation in the  
25 program by counties.

26 (4) Administering the early implementation of the program  
27 through the issuance of written directives that shall have the same  
28 force and effect as regulations. Any directive affecting Article 1  
29 (commencing with Section 700) of Chapter 7 of Title 11 of the  
30 California Code of Regulations shall be approved by the  
31 Department of Justice. The directives shall be exempt from the  
32 rulemaking provisions of the Administrative Procedure Act  
33 (Chapter 3.5 (commencing with Section 11340)) of Part 1 of  
34 Division 3 of Title 2 of the Government Code.

35 (5) Approving and requiring the use of a single standard for  
36 resource family ~~home approval and permanency assessment.~~  
37 *approval.*

38 (6) Adopting and requiring the use of standardized  
39 documentation for the home ~~approval and permanency assessment~~  
40 *environment and permanency assessments* of resource families.

- 1 (7) Requiring counties to monitor resource families including,  
2 but not limited to, all of the following:
  - 3 (A) Investigating complaints of resource families.
  - 4 (B) Developing and monitoring resource family corrective action  
5 plans to correct identified deficiencies and to rescind resource  
6 family approval if compliance with corrective action plans is not  
7 achieved.
- 8 (8) Ongoing oversight and monitoring of county systems and  
9 operations including all of the following:
  - 10 (A) Reviewing the county's implementation of the program.
  - 11 (B) Reviewing an adequate number of approved resource  
12 families in each participating county to ensure that approval  
13 standards are being properly applied. The review shall include  
14 case file documentation, and may include onsite inspection of  
15 individual resource families. The review shall occur on an annual  
16 basis, and more frequently if the department becomes aware that  
17 a participating county is experiencing a disproportionate number  
18 of complaints against individual resource family homes.
  - 19 (C) Reviewing county reports of serious complaints and  
20 incidents involving approved resource families, as determined  
21 necessary by the department. The department may conduct an  
22 independent review of the complaint or incident and change the  
23 findings depending on the results of its investigation.
  - 24 (D) Investigating unresolved complaints against participating  
25 counties.
  - 26 (E) Requiring corrective action of counties that are not in full  
27 compliance with the terms and conditions of the program.
- 28 (9) Updating the Legislature on the early implementation phase  
29 of the program, including the status of implementation, successes,  
30 and challenges during the early implementation phase, and relevant  
31 available data, including resource family satisfaction.
- 32 (10) Implementing due process procedures, including all of the  
33 following:
  - 34 (A) Providing a statewide fair hearing process for denials,  
35 rescissions, or exclusion actions.
  - 36 (B) Amending applicable state hearing procedures and  
37 regulations.
  - 38 (C) Use of the Administrative Procedure Act, as necessary for  
39 the administration of the program.

1 (g) Counties participating in the program shall be responsible  
2 for all of the following:

3 (1) Submitting an implementation plan, entering into terms and  
4 conditions for participation in the program, consulting with the  
5 county probation department in the development of the  
6 implementation plan, training appropriate staff, and accepting  
7 applications from resource families within the timeframes  
8 established by the department.

9 (2) Complying with the written directives pursuant to paragraph  
10 (4) of subdivision (f).

11 (3) Implementing the requirements for resource family ~~home~~  
12 ~~approval and permanency assessment~~ *approval* and utilizing  
13 standardized documentation established by the department.

14 (4) (A) Ensuring staff have the education and experience  
15 necessary to complete the ~~home approval and permanency~~  
16 ~~assessment~~ *environment and psychosocial assessments*  
17 competently.

18 (B) A county may contract with a licensed adoption agency to  
19 complete the permanency assessment. A permanency assessment  
20 completed by a licensed adoption agency shall be reviewed and  
21 approved by the county.

22 (5) Approving and denying resource family applications,  
23 rescinding ~~home approval~~, *approvals of resource families*, or  
24 related actions, including all of the following:

25 (A) Rescinding ~~home approvals~~ and resource family approvals,  
26 excluding a resource family parent or other individual from  
27 presence in a resource family home, or from being a member of  
28 the board of directors, an executive director, or an officer of a  
29 licensee, or prohibiting a licensee from employing the resource  
30 family parent or other individual, if appropriate, consistent with  
31 the established standard.

32 (B) Providing a resource family parent, applicant, or excluded  
33 individual requesting review of that decision with due process  
34 pursuant to the department's statutes, regulations, and written  
35 directives.

36 (C) Notifying the department of any decisions denying a  
37 resource family's application or rescinding the approval of a  
38 resource family, excluding an individual, or taking other  
39 administrative action.

1 (D) Issuing a temporary suspension order that suspends the  
2 resource family approval prior to a hearing, when urgent action is  
3 needed to protect a child or nonminor dependent who is or may  
4 be placed in the home from physical or mental abuse, abandonment,  
5 or any other substantial threat to health or safety.

6 (6) Updating resource family approval annually.

7 (7) Monitoring resource families through all of the following:

8 (A) Ensuring that social workers who identify a condition in  
9 the home that may not meet the approval standards set forth in  
10 subdivision (d) while in the course of a routine visit to children  
11 placed with a resource family take appropriate action as needed.

12 (B) Requiring resource families to comply with corrective action  
13 plans as necessary to correct identified deficiencies. If corrective  
14 action is not completed as specified in the plan, the county may  
15 rescind the resource family approval.

16 (C) Requiring resource families to report to the county child  
17 welfare agency any incidents consistent with the reporting  
18 requirements for licensed foster family homes.

19 (8) Investigating all complaints against a resource family and  
20 taking action as necessary. This shall include investigating any  
21 incidents reported about a resource family indicating that the  
22 approval standard is not being maintained.

23 (A) The child's social worker shall not conduct the formal  
24 investigation into the complaint received concerning a family  
25 providing services under the standards required by subdivision  
26 (d). To the extent that adequate resources are available, complaints  
27 shall be investigated by a worker who did not initially perform the  
28 ~~home approval or permanency assessment.~~ *conduct the home*  
29 *environment or psychosocial assessments.*

30 (B) Upon conclusion of the complaint investigation, the final  
31 disposition shall be reviewed and approved by a supervising staff  
32 member.

33 (C) The department shall be notified of any serious incidents  
34 or serious complaints or any incident that falls within the definition  
35 of Section 11165.5 of the Penal Code. If those incidents or  
36 complaints result in an investigation, the department shall also be  
37 notified as to the status and disposition of that investigation.

38 (9) Performing corrective action as required by the department.

1 (10) Assessing county performance in related areas of the  
2 California Child and Family Services Review System, and  
3 remedying problems identified.

4 (11) Submitting information and data that the department  
5 determines is necessary to study, monitor, and prepare the report  
6 specified in paragraph (9) of subdivision (f).

7 (12) Ensuring that resource families have the necessary  
8 knowledge, skills, and abilities to support children in foster care  
9 by completing caregiver training. The training should include a  
10 curriculum that supports the role of a resource family in parenting  
11 vulnerable children and should be ongoing in order to provide  
12 resource families with information on trauma-informed practices  
13 and requirements and other topics within the foster care system.

14 (13) Ensuring that a resource family applicant completes a  
15 minimum number of training hours which shall include a minimum  
16 of 12 hours of preapproval training. The preapproval training shall  
17 include, but not be limited to, all of the following training courses:

18 (A) An overview of the child protective and probation systems.

19 (B) The effects of trauma, including grief and loss, and child  
20 abuse and neglect, on child development and behavior, and  
21 methods to behaviorally support children impacted by that trauma  
22 or child abuse and neglect.

23 (C) Positive discipline and the importance of self-esteem.

24 ~~(D) Health issues in foster care, including, but not limited to,~~  
25 ~~the authorization, uses, risks, benefits, assistance with~~  
26 ~~self-administration, oversight, and monitoring of psychotropic and~~  
27 ~~other medications, and trauma, behavioral health, and other~~  
28 ~~available behavioral health treatments, for children receiving child~~  
29 ~~welfare services, including how to access those treatments.~~ *care.*

30 ~~(E) Accessing education and health services available to foster~~  
31 ~~children.~~ *services and supports to address education needs,*  
32 *physical and mental health, and substance use disorders available*  
33 *to foster children, including culturally relevant services.*

34 (F) The rights of a child in foster care, and the resource family's  
35 responsibility to safeguard those rights, including the right to have  
36 fair and equal access to all available services, placement, care,  
37 treatment, and benefits, and to not be subjected to discrimination  
38 or harassment on the basis of actual or perceived race, ethnic group  
39 identification, ancestry, national origin, color, religion, sex, sexual

1 orientation, gender identity, mental or physical disability, or HIV  
2 status.

3 (G) Cultural needs of children, including instruction on cultural  
4 competency and sensitivity relating to, and best practices for,  
5 providing adequate care to lesbian, gay, bisexual, and transgender  
6 youth in out-of-home care.

7 (H) Basic instruction on existing laws and procedures regarding  
8 the safety of foster youth at school; and ensuring a harassment and  
9 violence free school environment pursuant to Article 3.6  
10 (commencing with Section 32228) of Chapter 2 of Part 19 of  
11 Division 1 of Title 1 of the Education Code.

12 ~~(I) Permanence and well-being~~ *Permanence, well-being, and*  
13 *education* needs of children.

14 ~~(J) Child and adolescent development~~ *development, including*  
15 *sexual orientation, gender identity, and expression.*

16 (K) The role of resource families, including working  
17 cooperatively with the child welfare or probation agency, the  
18 child's family, and other service providers implementing the case  
19 plan.

20 (L) The role of a resource family on the child and family team  
21 as defined in paragraph (4) of subdivision (a) of Section 16501.

22 ~~(M) A resource family's responsibility to act as a reasonable~~  
23 ~~and prudent parent; and to maintain the least restrictive, most~~  
24 ~~family-like environment that serves the needs of the child.~~

25 ~~(N) Preparation of children for a successful transition to~~  
26 ~~adulthood.~~

27 ~~(O) Understanding the federal Indian Child Welfare Act, its~~  
28 ~~historical significance, the rights of children covered by the act,~~  
29 ~~and the best interests of those children, including the role of the~~  
30 ~~caregiver in supporting culturally appropriate, child-centered~~  
31 ~~practices that respect Native American history, culture, retention~~  
32 ~~of tribal membership, and connection to the tribal community and~~  
33 ~~traditions.~~

34 ~~(14) Ensuring approved resource families complete a minimum~~  
35 ~~of eight training hours annually. The annual training shall include,~~  
36 ~~but not be limited to, all of the following training courses:~~

37 ~~(A) Age-appropriate child development.~~

38 ~~(B) Health issues in foster care, including, but not limited to,~~  
39 ~~the authorization, uses, risks, benefits, assistance with~~  
40 ~~self-administration, oversight, and monitoring of psychotropic and~~



1 ~~other medications, and trauma, behavioral health, and other~~  
2 ~~available behavioral health treatments, for children receiving child~~  
3 ~~welfare services, including how to access those treatments.~~

4 ~~(C) Positive discipline and the importance of self-esteem.~~

5 ~~(D) Preparation of children for a successful transition to~~  
6 ~~adulthood.~~

7 ~~(E) The right of a foster child to have fair and equal access to~~  
8 ~~all available services, placement, care, treatment, and benefits, and~~  
9 ~~to not be subjected to discrimination or harassment on the basis~~  
10 ~~of actual or perceived race, ethnic group identification, ancestry,~~  
11 ~~national origin, color, religion, sex, sexual orientation, gender~~  
12 ~~identity, mental or physical disability, or HIV status.~~

13 ~~(F) Instruction on cultural competency and sensitivity relating~~  
14 ~~to, and best practices for, providing adequate care to lesbian, gay,~~  
15 ~~bisexual, and transgender youth in out-of-home care.~~

16 ~~(M) A resource family's responsibility to act as a reasonable~~  
17 ~~and prudent parent, and to provide a family setting that promotes~~  
18 ~~normal childhood experiences and that serves the needs of the~~  
19 ~~child.~~

20 ~~(N) An overview of the specialized training identified in~~  
21 ~~paragraph (13).~~

22 ~~(14) Ensuring approved resource families complete a minimum~~  
23 ~~of eight training hours annually, a portion of which shall be from~~  
24 ~~one or more of the topics listed in paragraph (13).~~

25 (h) In addition to any training required by this section, a resource  
26 family may be required to receive specialized training, as relevant,  
27 for the purpose of preparing the resource family to meet the needs  
28 of a particular child in care. This training may include, but is not  
29 limited to, the following:

30 (1) Understanding how to use best practices for providing care  
31 and supervision to commercially sexually exploited children.

32 (2) Understanding how to use best practices for providing care  
33 and supervision to lesbian, gay, bisexual, and transgender children.

34 (3) Understanding the requirements and best practices regarding  
35 psychotropic medications, including, but not limited to, court  
36 authorization, benefits, uses, side effects, interactions, assistance  
37 with self-administration, misuse, documentation, storage, and  
38 ~~metabolic monitoring of children using medications.~~ *monitoring.*

39 (4) Understanding the federal Indian Child Welfare Act, its  
40 historical significance, the rights of children covered by the act,

1 and the best interests of those children, including the role of the  
2 caregiver in supporting culturally appropriate, child-centered  
3 practices that respect Native American history, culture, retention  
4 of tribal membership and connection to the tribal community and  
5 traditions.

6 (5) Understanding how to use best practices for providing care  
7 and supervision to nonminor dependents.

8 (6) Understanding how to use best practices for providing care  
9 and supervision to ~~medically fragile children~~ *children with special*  
10 *health care needs*.

11 (7) *Understanding the different permanency options and the*  
12 *services and benefits associated with the options.*

13 (i) Nothing in this section shall preclude a county or a foster  
14 family agency from requiring resource family training in excess  
15 of the requirements in this section.

16 (j) (1) Approved relatives and nonrelative extended family  
17 members, licensed foster family homes, or approved adoptive  
18 homes that have completed the license or approval process prior  
19 to full implementation of the program shall not be considered part  
20 of the program. The otherwise applicable assessment and oversight  
21 processes shall continue to be administered for families and  
22 facilities not included in the program.

23 (2) Upon implementation of the program in a county, that  
24 county may not accept new applications for the licensure of foster  
25 family homes, the approval of relative and nonrelative extended  
26 family members, or the approval of prospective adoptive homes.

27 (k) The department may waive regulations that pose a barrier  
28 to implementation and operation of this program. The waiver of  
29 any regulations by the department pursuant to this section shall  
30 apply to only those counties or foster family agencies participating  
31 in the program and only for the duration of the program.

32 (l) Resource families approved under initial implementation of  
33 the program, who move within an early implementation county or  
34 who move to another early implementation county, shall retain  
35 their resource family status if the new building and grounds,  
36 outdoor activity areas, and storage areas meet ~~home approval~~  
37 *environment* standards. The State Department of Social Services  
38 or early implementation county may allow a program-affiliated  
39 individual to transfer his or her subsequent arrest notification if  
40 the individual moves from one early implementation county to

1 another early implementation county, as specified in subdivision  
2 (h) of Section 1522 of the Health and Safety Code.

3 (m) (1) The approval of a resource family who moves to a  
4 nonparticipating county remains in full force and effect pending  
5 a determination by the county approval agency or the department,  
6 as appropriate, whether the new building and grounds and storage  
7 areas meet applicable standards, and whether all adults residing  
8 in the home have a criminal records clearance or exemptions  
9 granted, using the exemption criteria used for foster care licensing,  
10 as specified in subdivision (g) of Section 1522 of the Health and  
11 Safety Code. Upon this determination, the nonparticipating county  
12 shall either approve the family as a relative or nonrelative extended  
13 family member, as applicable, or the department shall license the  
14 family as a foster family home.

15 (2) Subject to the requirements in paragraph (1), the family shall  
16 continue to be approved for guardianship and adoption. Nothing  
17 in this subdivision shall limit a county or adoption agency from  
18 determining that the family is not approved for guardianship or  
19 adoption based on changes in the family's circumstances or  
20 ~~permanency~~ *psychosocial* assessment.

21 (3) A program-affiliated individual who moves to a  
22 nonparticipating county may not transfer his or her subsequent  
23 arrest notification from a participating county to the  
24 nonparticipating county.

25 (n) Implementation of the program shall be contingent upon the  
26 continued availability of federal Social Security Act Title IV-E  
27 (42 U.S.C. Sec. 670) funds for costs associated with placement of  
28 children with resource families assessed and approved under the  
29 program.

30 (o) A child placed with a resource family shall be eligible for  
31 AFDC-FC payments. A resource family, or a foster family agency  
32 pursuant to subdivisions (s) and (t), shall be paid an AFDC-FC  
33 rate pursuant to Sections 11460, 11461, and 11463. Sharing ratios  
34 for nonfederal expenditures for all costs associated with activities  
35 related to the approval of relatives and nonrelative extended family  
36 members shall be in accordance with Section 10101.

37 (p) The Department of Justice shall charge fees sufficient to  
38 cover the cost of initial or subsequent criminal offender record  
39 information and Child Abuse Central Index searches, processing,  
40 or responses, as specified in this section.

(q) Except as provided, approved resource families under this program shall be exempt from all of the following:

(1) Licensure requirements set forth under the Community Care Facilities Act, commencing with Section 1500 of the Health and Safety Code, and all regulations promulgated thereto.

(2) Relative and nonrelative extended family member approval requirements set forth under Sections 309, 361.4, and 362.7, and all regulations promulgated thereto.

(3) Adoptions approval and reporting requirements set forth under Section 8712 of the Family Code, and all regulations promulgated thereto.

(r) (1) Early implementation counties shall be authorized to continue through December 31, 2016. The program shall be implemented by each county on or before January 1, 2017.

(2) *No later than July 1, 2017, each county shall provide the following information to all licensed foster family homes and all approved relatives and nonrelative extended family members:*

(A) *A detailed description of the resource family approval program.*

(B) *That, in order to care for a foster child, resource family approval is required by December 31, 2019.*

(C) *That a foster family home license and an approval of a relative or nonrelative extended family member shall be forfeited by operation of law as provided for in paragraph (3).*

(3) *No later than January 1, 2018, the following shall apply to all licensed foster family homes and approved relative and nonrelative extended family members:*

(A) *A licensed foster family home, and an approved relative or nonrelative extended family member with an approved adoptive home study completed prior to January 1, 2018, shall be deemed to be an approved resource family.*

(B) *A licensed foster family home, and an approved relative or nonrelative extended family member who had a child in placement at any time, for any length of time, between January 1, 2017, and December 31, 2017, inclusive, may be approved as a resource family on the date of successful completion of a psychosocial assessment pursuant to subparagraph (B) of paragraph (2) of subdivision (d).*

(i) *A county may provide supportive services to all licensed foster family home providers, relatives, and nonrelative extended*

1 *family members with a child in placement to assist with the*  
2 *resource family transition and to minimize placement disruptions.*

3 *(4) All foster family licenses and approvals of a relative or*  
4 *nonrelative extended family member shall be forfeited by operation*  
5 *on December 31, 2019, except as provided herein:*

6 *(A) All licensed foster family homes that did not have a child*  
7 *in placement at any time, for any length of time, between January*  
8 *1, 2017, and December 31, 2017, inclusive, shall forfeit the license*  
9 *by operation of law on January 1, 2018.*

10 *(B) For foster family home licensees and approved relatives or*  
11 *nonrelative extended family members who have a pending resource*  
12 *family application on December 31, 2019, the foster family home*  
13 *license or relative and nonrelative extended family member*  
14 *approval shall be forfeited by operation of law on the date of*  
15 *approval as a resource family. If approval is denied, forfeiture by*  
16 *operation of law shall occur on the date of completion of any*  
17 *proceedings required by law to ensure due process.*

18 *(s) On and after January 1, 2017, all licensed foster family*  
19 *agencies shall approve resource families in lieu of certifying foster*  
20 *homes. A foster family agency shall require its applicants and*  
21 *resource families to meet the resource family approval standards*  
22 *and requirements set forth in this chapter and in the written*  
23 *directives adopted pursuant to this chapter prior to approval and*  
24 *in order to maintain approval.*

25 *(t) Commencing January 1, 2016, the department may establish*  
26 *participation conditions, and select and authorize foster family*  
27 *agencies that voluntarily submit implementation plans and revised*  
28 *plans of operation in accordance with requirements established by*  
29 *the department, to approve resource families in lieu of certifying*  
30 *foster homes.*

31 *(1) Notwithstanding any other law, a participating foster family*  
32 *agency shall require resource families to meet and maintain the*  
33 *resource family approval standards and requirements set forth in*  
34 *this chapter and in the written directives adopted hereto prior to*  
35 *approval and in order to maintain approval.*

36 *(2) A participating foster family agency shall implement the*  
37 *resource family approval program pursuant to Section 1517 of the*  
38 *Health and Safety Code.*

39 *(3) Nothing in this section shall be construed to limit the*  
40 *authority of the department to inspect, evaluate, or investigate a*

1 complaint or incident, or initiate a disciplinary action against a  
2 foster family agency pursuant to Article 5 (commencing with  
3 Section 1550) of Chapter 3 of Division 2 of the Health and Safety  
4 Code, or to take any action it may deem necessary for the health  
5 and safety of children placed with the foster family agency.

6 (4) The department may adjust the foster family agency  
7 AFDC-FC rate pursuant to Section 11463 for implementation of  
8 this subdivision.

9 ~~SEC. 97.~~

10 *SEC. 102.* Section 16519.52 is added to the Welfare and  
11 Institutions Code, to read:

12 16519.52. (a) A resource family may install and use delayed  
13 egress devices of the time delay type in the home of the resource  
14 family.

15 (b) As used in this section, “delayed egress device” means a  
16 device that precludes the use of exits for a predetermined period  
17 of time. These devices shall not delay any resident’s departure  
18 from the home for longer than 30 seconds.

19 (c) Within the 30 seconds of delay, a resource family may  
20 attempt to redirect a resident who attempts to leave the home.

21 (d) Any person accepted by a resource family using delayed  
22 egress devices in the home shall meet all of the following  
23 conditions:

24 (1) The person shall have a developmental disability, as defined  
25 in Section 4512.

26 (2) The person shall be receiving services and case management  
27 from a regional center under the Lanterman Developmental  
28 Disabilities Services Act (Division 4.5 (commencing with Section  
29 4500)).

30 (3) An interdisciplinary team, through the Individual Program  
31 Plan (IPP) process pursuant to Section 4646.5, shall have  
32 determined that the person lacks hazard awareness or impulse  
33 control and requires the level of supervision afforded by a resource  
34 family in a home equipped with delayed egress devices, and that,  
35 but for this placement, the person would be at risk of admission  
36 to, or would have no option but to remain in, a more restrictive  
37 state hospital or state developmental center placement.

38 (e) The home shall be subject to all fire and building codes,  
39 regulations, and standards applicable to residential care facilities  
40 for the elderly utilizing delayed egress devices, and shall receive

1 approval by the county or city fire department, the local fire  
2 prevention district, or the State Fire Marshal for the installed  
3 delayed egress devices.

4 (f) The resource family shall provide training regarding the use  
5 and operation of the egress control devices used by any person  
6 caring for a resident, protection of residents' personal rights, lack  
7 of hazard awareness and impulse control behavior, and emergency  
8 evacuation procedures.

9 (g) The resource family shall develop a plan of operation that  
10 is authorized by the approving county and includes a description  
11 of how the home is to be equipped with egress control devices that  
12 are consistent with regulations adopted by the State Fire Marshal  
13 pursuant to Section 13143 of the Health and Safety Code.

14 (h) The plan shall include, but shall not be limited to, all of the  
15 following:

16 (1) A description of how the resource family will provide  
17 training for persons caring for a resident regarding the use and  
18 operation of the egress control devices used in the home.

19 (2) A description of how the resource family will ensure the  
20 protection of the residents' personal rights consistent with Sections  
21 4502, 4503, and 4504.

22 (3) A description of how the resource family will manage the  
23 person's lack of hazard awareness and impulse control behavior.

24 (4) A description of the resource family's emergency evacuation  
25 procedures.

26 (i) Delayed egress devices shall not substitute for adequate  
27 supervision. The capacity of the home shall not exceed six  
28 residents.

29 (j) Emergency fire and earthquake drills shall be conducted at  
30 least once every three months, and shall include all persons  
31 providing resident care and supervision.

32 ~~SEC. 98.~~

33 *SEC. 103.* Section 16519.53 is added to the Welfare and  
34 Institutions Code, to read:

35 16519.53. (a) A resource family shall be authorized to  
36 administer emergency medical assistance and injections for severe  
37 diabetic hypoglycemia and anaphylactic shock to a foster child in  
38 placement in accordance with subdivision (a) of Section 1507.25  
39 of the Health and Safety Code.

(b) A resource family shall be authorized to administer subcutaneous injections of other medications, including insulin, as prescribed by a child's physician, to a foster child in placement in accordance with subdivision (b) of Section 1507.25 of the Health and Safety Code.

~~SEC. 99.~~

*SEC. 104.* Section 16519.54 is added to the Welfare and Institutions Code, to read:

16519.54. Notwithstanding any other law, a resource family shall not be subject to civil penalties imposed pursuant to the Community Care Facilities Care Act (Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code).

~~SEC. 100.~~

*SEC. 105.* Section 16519.55 is added to the Welfare and Institutions Code, to read:

16519.55. (a) Subject to subdivision (b), to encourage the recruitment of resource families, to protect their personal privacy, and to preserve the security of confidentiality of the placements with resource families, the names, addresses, and other identifying information of resource families shall be considered personal information for purposes of the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). This information shall not be disclosed by any state or local agency pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), except as necessary for administering the resource family approval program, facilitating the placement of children with resource families, and providing names and addresses only to bona fide professional foster parent organizations upon request.

(b) The department, a county, or a foster family agency may request information from, or divulge information to, the department, a county, or a foster family agency, regarding a prospective resource family for the purpose of and as necessary to conduct a reference check to determine whether it is safe and appropriate to approve an applicant to be a resource family.

~~SEC. 101.~~

*SEC. 106.* Section 16519.6 is added to the Welfare and Institutions Code, to read:



1 16519.6. (a) All hearings conducted pursuant to Section  
2 16519.5 shall be conducted in accordance with the requirements  
3 of this section.

4 (b) The procedures set forth in Chapter 7 (commencing with  
5 Section 10950) of Part 2 apply to matters set before the State  
6 Hearings Division, except as otherwise provided in this section.

7 (c) The procedures for conducting a hearing for a matter  
8 governed by Chapter 3 (commencing with Section 1500) of  
9 Division 2 of the Health and Safety Code, and the procedures set  
10 forth in the Administrative Procedure Act apply, except as  
11 otherwise provided in this section.

12 (d) Notwithstanding Section 10951, a resource family, applicant,  
13 or excluded individual may file an appeal within 25 days of service  
14 of a notice of action. Pursuant to Section 1013 of the Code of Civil  
15 Procedure, if the notice of action is served by mail, the time to  
16 respond shall be extended five days, not to exceed 30 days to file  
17 the appeal.

18 (e) Notwithstanding Section 10951, a county's action shall be  
19 final, or for matters set before the division or office designated to  
20 conduct state hearings, an action shall be subject to dismissal, if  
21 the resource family, applicant, or excluded individual does not file  
22 an appeal to the notice of action within the prescribed time.

23 (f) Except as provided in subdivisions (g) and (h), and  
24 notwithstanding Section 10952, a hearing under this section shall  
25 be held within 90 days following the receipt of a timely appeal or  
26 notice of defense, unless a continuance of the hearing is granted  
27 for good cause.

28 (g) If the county or department has issued an immediate  
29 exclusion order, the timelines and provisions set forth in Section  
30 1558 of the Health and Safety Code shall apply, unless a  
31 continuance of the hearing is granted for good cause.

32 (h) If the county or department has issued a temporary  
33 suspension order, the hearing shall be held within 30 days  
34 following the receipt of a timely appeal or notice of defense. The  
35 temporary suspension order shall remain in effect until the time  
36 the hearing is completed and the director has made a final  
37 determination on the merits. However, the temporary suspension  
38 order shall be deemed vacated if the director fails to make a final  
39 determination on the merits within 30 days after receipt of the  
40 proposed decision by the county or department.

1 (i) Upon a finding of noncompliance, the department may  
2 require a foster family agency to deny or rescind the approval of  
3 a home, or take other action deemed necessary for the protection  
4 of a child who is or who may be placed in the home. The resource  
5 family, applicant, or excluded individual shall be afforded the due  
6 process provided pursuant to this section.

7 (1) If the department requires a foster family agency to deny or  
8 rescind the approval, the department shall serve an order of denial  
9 or rescission notifying the resource family, applicant, and foster  
10 family agency of the basis of the department's action and of the  
11 right to a hearing.

12 (2) The department's order of the denial or rescission of the  
13 approval shall remain in effect until the hearing is completed and  
14 the director has made a final determination on the merits.

15 (3) A foster family agency's failure to comply with the  
16 department's order to deny or rescind the approval by placing or  
17 retaining a child in care shall be grounds for disciplining the foster  
18 family agency pursuant to Section 1550 of the Health and Safety  
19 Code.

20 (j) A resource family, applicant, or excluded individual who  
21 files an appeal to a notice of action pursuant to this section shall,  
22 as part of the appeal, provide his or her current mailing address.  
23 The resource family, applicant, or excluded individual shall  
24 subsequently notify the county, or department if applicable, in  
25 writing of any change in mailing address, until the hearing process  
26 has been completed or terminated.

27 (k) Service by mail of a notice or other writing on a resource  
28 family, applicant, or excluded individual in a procedure provided  
29 herein is effective if served to the last mailing address on file with  
30 the county or department. Service of a notice of action may be by  
31 personal service or by first class mail. If the last day for  
32 performance of any action required herein falls on a holiday, then  
33 such period shall be extended to the next day which is not a  
34 holiday.

35 (l) In all proceedings conducted in accordance with this section  
36 the burden of proof shall be by a preponderance of the evidence.

37 (m) The county or department may institute or continue an  
38 administrative proceeding against a resource family, applicant, or  
39 excluded individual upon any ground provided by this section,  
40 enter an order denying or rescinding the approval, exclude an

1 associated individual, issue a temporary suspension order, or  
2 otherwise take disciplinary action against a resource family,  
3 applicant, or excluded individual, notwithstanding any resignation,  
4 withdrawal, surrender of approval, or denial or rescission of the  
5 approval by a foster family agency.

6 ~~SEC. 102.~~

7 *SEC. 107.* Section 18251 of the Welfare and Institutions Code  
8 is amended to read:

9 18251. As used in this chapter:

10 (a) “County” means each county participating in an  
11 individualized or wraparound services program.

12 (b) “County placing agency” means a county welfare or  
13 probation department, or a county mental health department.

14 (c) “Eligible child” means a child or nonminor dependent, as  
15 described in subdivision (v) of Section 11400, who is any of the  
16 following:

17 (1) A child or nonminor dependent who has been adjudicated  
18 as either a dependent, transition dependent, or ward of the juvenile  
19 court pursuant to Section 300, 450, 601, or 602 and who would be  
20 placed in a group home licensed by the department at a rate  
21 classification level of 10 or higher, or commencing January 1,  
22 2017, would be placed in a short-term residential treatment center.

23 (2) A child or nonminor dependent who is currently, or who  
24 would be, placed in a group home licensed by the department at  
25 a rate classification level of 10 or higher, or commencing January  
26 1, 2017, would be placed in a short-term residential treatment  
27 center.

28 (3) A child who is eligible for adoption assistance program  
29 benefits when the responsible public agency has approved the  
30 provision of wraparound services in lieu of out-of-home placement  
31 care at a rate classification level of 10 or higher, or commencing  
32 January 1, 2017, would be placed in a short-term residential  
33 treatment center.

34 (d) “Wraparound services” means community-based intervention  
35 services that emphasize the strengths of the child and family and  
36 includes the delivery of coordinated, highly individualized  
37 unconditional services to address needs and achieve positive  
38 outcomes in their lives.

39 (e) “Service allocation slot” means a specified amount of funds  
40 available to the county to pay for an individualized intensive

1 wraparound services package for an eligible child. A service  
2 allocation slot may be used for more than one child on a successive  
3 basis.

4 ~~SEC. 103.~~

5 *SEC. 108.* Section 18254 of the Welfare and Institutions Code  
6 is amended to read:

7 18254. (a) Rates for wraparound services, under the  
8 wraparound services program, shall be based on the following  
9 factors:

10 (1) The average cost of rate classification 10 to 11 in each  
11 county, minus the cost of any concurrent out-of-home placement,  
12 for children who are or would be placed in a rate level 10 or 11  
13 group home.

14 (2) The average cost of rate classification 12 to 14 in each  
15 county, minus the cost of any concurrent out-of-home placement,  
16 for children who are or would be placed in a rate level 12 to 14  
17 group home.

18 (b) (1) Prior to the 2011–12 fiscal year, the department shall  
19 reimburse each county, for the purpose of providing intensive  
20 wraparound services, up to 100 percent of the state share of  
21 nonfederal funds, to be matched by each county's share of cost as  
22 established by law, and to the extent permitted by federal law, up  
23 to 100 percent of the federal funds allocated for group home  
24 placements of eligible children, at the rate authorized pursuant to  
25 subdivision (a).

26 (2) Beginning in the 2011–12 fiscal year, and for each fiscal  
27 year thereafter, funding and expenditures for programs and  
28 activities under this section shall be in accordance with the  
29 requirements provided in Sections 30025 and 30026.5 of the  
30 Government Code.

31 (c) County, and to the extent permitted by federal law, federal,  
32 foster care funds shall remain with the administrative authority of  
33 the county, which may enter into an interagency agreement to  
34 transfer those funds, and shall be used to provide intensive  
35 wraparound services.

36 (d) Costs for the provision of benefits to eligible children, at  
37 rates authorized by subdivision (a), through the wraparound  
38 services program authorized by this chapter, shall not exceed the  
39 costs which would otherwise have been incurred had the eligible  
40 children been placed in a group home.

1 (e) This section shall remain in effect only until January 1, 2017,  
2 and as of that date is repealed, unless a later enacted statute, that  
3 is enacted before January 1, 2017, deletes or extends that date.

4 ~~SEC. 104.~~

5 *SEC. 109.* Section 18254 is added to the Welfare and  
6 Institutions Code, to read:

7 18254. (a) Commencing January 1, 2017, the rate for  
8 wraparound services, under the wraparound services program,  
9 shall be eight thousand five hundred seventy-three dollars (\$8,573),  
10 based on the average cost of rate classification levels 10.5 and 13  
11 in effect for the 2014–15 fiscal year.

12 (1) The rate was determined by using the existing rates  
13 determined for the 2014–15 fiscal year for rate classification levels  
14 10.5 and 13.

15 (A) Combining and calculating the average of the two.

16 (B) Minus the cost of any concurrent out-of-home placement  
17 for children who are or would be placed in a rate classification  
18 level 10 to 11 and 12 to 14 group home, respectively.

19 (b) For each fiscal year, funding and expenditures for programs  
20 and activities under this section shall be in accordance with the  
21 requirements provided in Sections 30025 and 30026.5 of the  
22 Government Code.

23 (c) County and federal foster care funds, to the extent permitted  
24 by federal law, shall remain with the administrative authority of  
25 the county, which may enter into an interagency agreement to  
26 transfer those funds, and shall be used to provide intensive  
27 wraparound services.

28 (d) Costs for the provision of benefits to eligible children, at  
29 rates authorized by subdivision (a), through the wraparound  
30 services program authorized by this chapter, shall not exceed the  
31 costs that otherwise would have been incurred had the eligible  
32 children been placed in a short-term residential treatment center.

33 (e) Commencing January 1, 2018, and each January 1 thereafter,  
34 an annual cost-of-living increase shall be applied to the wraparound  
35 rate, subject to the availability of county funds, equal to the  
36 California Necessities Index used in the preparation of the May  
37 Revision for the current fiscal year.

38 ~~SEC. 105.~~

39 *SEC. 110.* Notwithstanding the provisions of this act, on and  
40 after January 1, 2017, facilities with licensed capacity of 184 that

1 were in operation prior to January 1, 2015, that offer placements  
2 for the purpose of attending an onsite high school, may continue  
3 to operate under an appropriate licensing category determined by  
4 the State Department of Social Services as long as those facilities  
5 submit to the department a transition plan describing how the  
6 program will comply with the provisions of this act, pursuant to a  
7 timeframe to be determined with the department.

8 ~~SEC. 106.~~

9 *SEC. 111.* (a) The State Department of Social Services and  
10 the State Department of Health Care Services shall adopt  
11 regulations as required to implement the provisions of this act.

12 (b) Notwithstanding the rulemaking provisions of the  
13 Administrative Procedure Act (Chapter 3.5 (commencing with  
14 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
15 Code), the departments identified in subdivision (a) may implement  
16 and administer the changes made by this legislation through  
17 all-county letters or similar written instructions until regulations  
18 are adopted.

19 ~~SEC. 107.~~

20 *SEC. 112.* The State Department of Social Services shall  
21 provide periodic progress updates to the Legislature on the  
22 implementation of this act.

23 ~~SEC. 108.~~

24 *SEC. 113.* The State Department of Social Services shall work  
25 with counties that operate shelters, probation agencies, homeless  
26 shelter providers, residential education providers, and others *as*  
27 *determined by the department* to identify jointly developed  
28 alternative timeframes or criteria to be met in order to address the  
29 unique circumstances and needs of the populations they serve,  
30 while remaining consistent with the principles of this act.

31 ~~SEC. 109.~~

32 *SEC. 114.* The Legislature finds and declares that this act,  
33 which adds Section 16519.55 to the Welfare and Institutions Code,  
34 imposes a limitation on the public's right of access to the meetings  
35 of public bodies or the writings of public officials and agencies  
36 within the meaning of Section 3 of Article I of the California  
37 Constitution. Pursuant to that constitutional provision, the  
38 Legislature makes the following findings to demonstrate the interest  
39 protected by this limitation and the need for protecting that interest:

1 In order to encourage the recruitment of resource families, to  
2 protect their personal privacy, and to preserve the security of  
3 confidentiality of the placements with resource families, it is  
4 necessary that the names, addresses, and other identifying  
5 information of resource families not be disclosed by any state or  
6 local agency pursuant to the California Public Records Act  
7 (Chapter 3.5 (commencing with Section 6250) of Division 7 of  
8 Title 1 of the Government Code), except as necessary for  
9 administering the resource family approval program, facilitating  
10 the placement of children with resource families, and providing  
11 names and addresses only to bona fide professional foster parent  
12 organizations upon request.

13 ~~SEC. 110.~~

14 *SEC. 115.* Except as required by Section 36 of Article XIII of  
15 the California Constitution, no reimbursement is required by this  
16 act pursuant to Section 6 of Article XIII B of the California  
17 Constitution for certain costs because, in that regard, this act  
18 implements a federal law or regulation and results in costs  
19 mandated by the federal government, within the meaning of Section  
20 17556 of the Government Code.

21 No reimbursement is required by this act pursuant to Section 6  
22 of Article XIII B of the California Constitution for certain costs  
23 that may be incurred by a local agency or school district because,  
24 in that regard, this act creates a new crime or infraction, eliminates  
25 a crime or infraction, or changes the penalty for a crime or  
26 infraction, within the meaning of Section 17556 of the Government  
27 Code, or changes the definition of a crime within the meaning of  
28 Section 6 of Article XIII B of the California Constitution.

29 With regard to other costs, to the extent that this act has an  
30 overall effect of increasing the costs already borne by a local  
31 agency for programs or levels of service mandated by the 2011  
32 Realignment Legislation within the meaning of Section 36 of  
33 Article XIII of the California Constitution, it shall apply to local  
34 agencies only to the extent that the state provides annual funding  
35 for the cost increase. Any new program or higher level of service  
36 provided by a local agency pursuant to this act above the level for  
37 which funding has been provided shall not require a subvention

- 1 of funds by the state nor otherwise be subject to Section 6 of Article
- 2 XIII B of the California Constitution.

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